

# Exhibit D

**Malibu Media, LLC v. John Doe 1- 35**  
**Eastern District of Pennsylvania**  
**Case No. 5:12-cv-03959-JS**

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9 Attorneys for  
10 VERIZON ONLINE LLC

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF TEXAS  
13

14 MALIBU MEDIA, LLC,

15 Plaintiff,

16 v.

17 JOHN DOES 1 - 35,

18 Defendants.  
19

No. 5:12-cv-03959-JS

[Action Pending in the Eastern  
District of Pennsylvania]

**OBJECTIONS TO MALIBU  
MEDIA, LLC'S SUBPOENA TO  
VERIZON ONLINE LLC**

20  
21 TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

22 Verizon Online LLC ("Verizon") responds and objects as follows to the  
23 subpoena for records from Malibu Media, LLC in the above-captioned action:

24 1. Verizon objects to the subpoena on the ground that it constitutes an  
25 abuse of the discovery process because John Does 1 – 35 have not been properly  
26 joined in the underlying action.<sup>1</sup>

27 <sup>1</sup> See, e.g., *Bubble Gum Productions, LLC v. Does 1 - 80*, 2012 U.S. Dist.  
28 LEXIS 100203, at \*14 (S.D. Fla. July 19, 2012) (holding that joinder is improper,  
(Footnote continues on next page.)

2. Verizon further objects to the subpoena because the list of IP addresses and associated dates in Exhibit A to the Complaint appear to refute any allegation that the subscribers identified were acting in concert, given the time period during which Plaintiff's digital content was allegedly accessed.

3. Verizon further objects to the subpoena on the ground that Plaintiff has made no attempt to establish a prima facie evidentiary showing that personal jurisdiction would exist over John Does 1 – 35.

4. Verizon further objects to the subpoena on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of relevant information and imposes an undue burden on Verizon.

5. Verizon further objects to the subpoena because Plaintiff has made an insufficient showing that discovery of the identifying information of John Does 1 - 35 would be used for a proper purpose in the current litigation.

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(Footnote continued from previous page.)

*inter alia*, because “the possibility [of the Doe defendants asserting different defenses] rises about the level of mere speculation”); *K-Beech, Inc. v. Does 1-41*, 2012 U.S. Dist. LEXIS 31803 (S.D. Tex. Mar. 8, 2012 (granting motion to quash and severing Does 2-41 based on misjoinder); *Mick Haig Prods., e.K. v. Does*, 2011 U.S. Dist. LEXIS 128366 (N.D. Tex. Sept. 9, 2011), *aff’d* 2012 U.S. App. LEXIS 14263 (5th Cir. July 12, 2012); *Hard Drive Prods. v. Does*, 2011 U.S. Dist. LEXIS 132449, at \*9 (N.D. Cal. Nov. 16, 2011) (dismissing Does 2-130 and imposing ongoing obligations upon plaintiff and its counsel to demonstrate that the discovery sought of Doe 1 is used for a proper purpose); *First Time Videos LLC v. Doe*, 2011 U.S. Dist. LEXIS 104490, at \*4-10 (N.D. Cal. Sept. 15, 2011) (dismissing Does 2-294 and citing collected cases holding that discovery of mass alleged infringers is improper in this context); *Liberty Media Holdings, LLC v. BitTorrent Swarm*, 2011 U.S. Dist. LEXIS 126333, at \*3-9 (S.D. Fla. Nov. 1, 2011) (the court *sua sponte* found joinder of multiple Doe defendants improper under Fed. R. Civ. P. 20(a) and dismissed the claims against all but a single defendant); *Patrick Collins, Inc. v. Does 1-58*, 2011 U.S. Dist. LEXIS 120235 (E.D. Va. Oct. 13, 2011) (“The mere allegation that the defendants have used the same peer-to-peer network to copy and reproduce the Work—which occurred on different days and times over a span of two months—is insufficient to meet the standards of joinder set forth in Rule 20.”).

1           6.     Verizon further objects to the subpoena to the extent it seeks  
2 information that is protected from disclosure by third parties' rights of privacy and  
3 protections guaranteed by the First Amendment.

4           7.     Verizon further objects to the subpoena to the extent it seeks to impose  
5 on Verizon obligations different from, or greater than, those required by the Federal  
6 Rules of Civil Procedure or applicable Local Rules.

7     Dated:   September 4, 2012

MORRISON & FOERSTER LLP

8  
9           By: \_\_\_\_\_

Giancarlo Urey

Attorneys for  
VERIZON ONLINE LLC

**CERTIFICATE OF SERVICE BY MAIL**  
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 555 West Fifth Street, Los Angeles, California 90013-1024; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**OBJECTIONS TO MALIBU MEDIA, LLC'S  
SUBPOENA TO VERIZON ONLINE LLC**

on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 555 West Fifth Street, Los Angeles, California 90013-1024, in accordance with Morrison & Foerster's ordinary business practices:

Christopher P. Fiore, Esq.  
Fiore & Barber  
425 Main Street, Suite 200  
Harleysville, PA 19438

I declare under penalty of perjury that the above is true and correct.

Executed at Los Angeles, California, this 4th day of September, 2012.

Rosa L. Beltran  
(typed)

  
(signature)

**Third Degree Films v. JD 1-53**  
**Eastern District of Pennsylvania**  
**Case No. 2:12-cv-05386-CDJ**

1 DEANNE E. MAYNARD  
2 MORRISON & FOERSTER LLP  
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9 Attorneys for  
10 VERIZON ONLINE LLC

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF TEXAS  
13

14 THIRD DEGREE FILMS, INC.,  
15 Plaintiff,  
16 v.  
17 JOHN DOES 1 - 53,  
18 Defendants.  
19

No. 2:12-cv-05386-CDJ  
[Action Pending in the Eastern  
District of Pennsylvania]

**OBJECTIONS TO THIRD  
DEGREE FILMS, INC.'S  
SUBPOENA TO VERIZON  
ONLINE LLC**

20  
21 TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

22 Verizon Online LLC ("Verizon") responds and objects as follows to the  
23 subpoena for records from Third Degree Films, Inc. in the above-captioned action:

24 1. Verizon objects to the subpoena on the ground that it constitutes an  
25 abuse of the discovery process because John Does 1 – 53 are improperly joined in  
26 the underlying action.<sup>1</sup>

27 <sup>1</sup> See, e.g., *Media Products, Inc. v. John Does 1-26*, 2012 U.S. Dist. LEXIS  
28 125366, at \*8 (S.D.N.Y. Sept. 4, 2012) (severing and dismissing all claims "against  
(Footnote continues on next page.)



2. Verizon further objects to the subpoena because the list of IP addresses and associated dates in Exhibit A to the Complaint appear to refute any allegation that the subscribers identified were acting in concert, given the time period during which Plaintiff's digital content was allegedly accessed.

3. Verizon further objects to the subpoena on the ground that Plaintiff has made no attempt to establish a prima facie evidentiary showing that personal jurisdiction would exist over John Does 1 – 53.

4. Verizon further objects to the subpoena on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of relevant information and imposes an undue burden on Verizon.

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(Footnote continued from previous page.)

all Doe defendants other than John Doe 1 in each of the [three] cases" while noting that "[t]he defenses . . . vary greatly and turn on different factual and legal questions"); *Bubble Gum Productions, LLC v. Does 1 - 80*, 2012 U.S. Dist. LEXIS 100203, at \*14 (S.D. Fla. July 19, 2012) (holding that joinder is improper, *inter alia*, because "the possibility [of the Doe defendants asserting different defenses] rises about the level of mere speculation"); *K-Beech, Inc. v. Does 1-41*, 2012 U.S. Dist. LEXIS 31803 (S.D. Tex. Mar. 8, 2012 (granting motion to quash and severing Does 2-41 based on misjoinder); *Mick Haig Prods., e.K. v. Does*, 2011 U.S. Dist. LEXIS 128366 (N.D. Tex. Sept. 9, 2011), *aff'd* 2012 U.S. App. LEXIS 14263 (5th Cir. July 12, 2012); *Hard Drive Prods. v. Does*, 2011 U.S. Dist. LEXIS 132449, at \*9 (N.D. Cal. Nov. 16, 2011) (dismissing Does 2-130 and imposing ongoing obligations upon plaintiff and its counsel to demonstrate that the discovery sought of Doe 1 is used for a proper purpose); *First Time Videos LLC v. Doe*, 2011 U.S. Dist. LEXIS 104490, at \*4-10 (N.D. Cal. Sept. 15, 2011) (dismissing Does 2-294 and citing collected cases holding that discovery of mass alleged infringers is improper in this context); *Liberty Media Holdings, LLC v. BitTorrent Swarm*, 2011 U.S. Dist. LEXIS 126333, at \*3-9 (S.D. Fla. Nov. 1, 2011) (the court *sua sponte* found joinder of multiple Doe defendants improper under Fed. R. Civ. P. 20(a) and dismissed the claims against all but a single defendant); *Patrick Collins, Inc. v. Does 1-58*, 2011 U.S. Dist. LEXIS 120235 (E.D. Va. Oct. 13, 2011) ("The mere allegation that the defendants have used the same peer-to-peer network to copy and reproduce the Work—which occurred on different days and times over a span of two months—is insufficient to meet the standards of joinder set forth in Rule 20.").

1           5.     Verizon further objects to the subpoena because Plaintiff has made an  
2 insufficient showing that discovery of the identifying information of John Does 1 -  
3 53 would be used for a proper purpose in the current litigation.<sup>2</sup>

4           6.     Verizon further objects to the subpoena to the extent it seeks  
5 information that is protected from disclosure by third parties' rights of privacy and  
6 protections guaranteed by the First Amendment.

7           7.     Verizon further objects to the subpoena to the extent it seeks to impose  
8 on Verizon obligations different from, or greater than, those required by the Federal  
9 Rules of Civil Procedure or applicable Local Rules.

10     Dated:   October 10, 2012

MORRISON & FOERSTER LLP

11  
12     By: \_\_\_\_\_

Giancarlo Urey

Attorneys for  
VERIZON ONLINE LLC

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24           <sup>2</sup> *Media Products, Inc.*, 2012 U.S. Dist. LEXIS 125366, at \*9 (noting that the  
25 Court is "troubled by the fact that some Doe defendants have already been  
26 voluntarily dismissed at this early stage in the litigation; it suggests as suspected  
27 that the pressure on Doe defendants to settle their case quickly and thereby avoid  
28 embarrassment and litigation costs—when they may not even have committed any  
infringement—is all too real").

**CERTIFICATE OF SERVICE BY MAIL**  
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 555 West Fifth Street, Los Angeles, California 90013-1024; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**OBJECTIONS TO THIRD DEGREE FILMS, INC.'S  
SUBPOENA TO VERIZON ONLINE LLC**

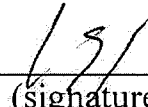
on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 555 West Fifth Street, Los Angeles, California 90013-1024, in accordance with Morrison & Foerster's ordinary business practices:

Christopher P. Fiore, Esq.  
Fiore & Barber  
425 Main Street, Suite 200  
Harleysville, PA 19438

I declare under penalty of perjury that the above is true and correct.

Executed at Los Angeles, California, this 10th day of October, 2012.

Rosa L. Beltran  
(typed)

  
(signature)

**Patrick Collins, Inc. v. John Doe 1- 32**  
**Eastern District of Pennsylvania**  
**Case NO:.. 2:12-cv-05385-WY**

1 DEANNE E. MAYNARD  
2 MORRISON & FOERSTER LLP  
2000 Pennsylvania Avenue, NW  
Washington, D.C. 20006-1888  
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Facsimile: (202) 887-0763  
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BFox@mofo.com; GUrey@mofo.com

9 Attorneys for  
10 VERIZON ONLINE LLC

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF TEXAS  
13

14 PATRICK COLLINS, INC.,

15 Plaintiff,

16 v.

17 JOHN DOES 1 - 32,

18 Defendants.  
19

No. 2:12-cv-05385-WY

[Action Pending in the Eastern  
District of Pennsylvania]

**OBJECTIONS TO PATRICK  
COLLINS, INC.'S SUBPOENA  
TO VERIZON ONLINE LLC**

20  
21 TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

22 Verizon Online LLC ("Verizon") responds and objects as follows to the  
23 subpoena for records from Patrick Collins, Inc. in the above-captioned action:

24 1. Verizon objects to the subpoena on the ground that it constitutes an  
25 abuse of the discovery process because John Does 1 – 32 are improperly joined in  
26 the underlying action.<sup>1</sup>

27 <sup>1</sup> See, e.g., *Media Products, Inc. v. John Does 1-26*, 2012 U.S. Dist. LEXIS  
28 125366, at \*8 (S.D.N.Y. Sept. 4, 2012) (severing and dismissing all claims "against  
(Footnote continues on next page.)

2. Verizon further objects to the subpoena because the list of IP addresses and associated dates in Exhibit A to the Complaint appear to refute any allegation that the subscribers identified were acting in concert, given the time period during which Plaintiff's digital content was allegedly accessed.

3. Verizon further objects to the subpoena on the ground that Plaintiff has made no attempt to establish a prima facie evidentiary showing that personal jurisdiction would exist over John Does 1 – 32.

4. Verizon further objects to the subpoena on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of relevant information and imposes an undue burden on Verizon.

---

(Footnote continued from previous page.)

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1           5.     Verizon further objects to the subpoena because Plaintiff has made an  
2 insufficient showing that discovery of the identifying information of John Does 1 -  
3 32 would be used for a proper purpose in the current litigation.<sup>2</sup>

4           6.     Verizon further objects to the subpoena to the extent it seeks  
5 information that is protected from disclosure by third parties' rights of privacy and  
6 protections guaranteed by the First Amendment.

7           7.     Verizon further objects to the subpoena to the extent it seeks to impose  
8 on Verizon obligations different from, or greater than, those required by the Federal  
9 Rules of Civil Procedure or applicable Local Rules.

10       Dated:   October 24, 2012

MORRISON & FOERSTER LLP

11  
12       By: \_\_\_\_\_

Giancarlo Urey

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14               Attorneys for  
VERIZON ONLINE LLC

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<sup>2</sup> *Media Products, Inc.*, 2012 U.S. Dist. LEXIS 125366, at \*9 (noting that the  
25 Court is "troubled by the fact that some Doe defendants have already been  
26 voluntarily dismissed at this early stage in the litigation; it suggests as suspected  
27 that the pressure on Doe defendants to settle their case quickly and thereby avoid  
28 embarrassment and litigation costs—when they may not even have committed any  
infringement—is all too real").

**CERTIFICATE OF SERVICE BY MAIL**  
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 555 West Fifth Street, Los Angeles, California 90013-1024; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**OBJECTIONS TO PATRICK COLLINS'S  
SUBPOENA TO VERIZON ONLINE LLC**

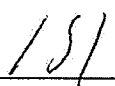
on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 555 West Fifth Street, Los Angeles, California 90013-1024, in accordance with Morrison & Foerster's ordinary business practices:

Christopher P. Fiore, Esq.  
Fiore & Barber  
425 Main Street, Suite 200  
Harleysville, PA 19438

I declare under penalty of perjury that the above is true and correct.

Executed at Los Angeles, California, this 24th day of October, 2012.

Rosa L. Beltran  
(typed)

  
(signature)



**Patrick Collins, Inc. v. John Doe 1-31**

**Middle District of Florida**

**Case No. 2:12-cv-00402-UA-SPC**

LMF 29.

1 DEANNE E. MAYNARD  
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9 Attorneys for  
10 VERIZON ONLINE LLC

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF TEXAS  
13

14 PATRICK COLLINS, INC.,

15 Plaintiff,

16 v.

17 JOHN DOES 1 - 31,

18 Defendants.  
19

No. 2:12-cv-00402-UA-SPC

[Action Pending in the Middle  
District of Florida]

**OBJECTIONS TO PATRICK  
COLLINS, INC.'S SUBPOENA  
TO VERIZON ONLINE LLC**

20  
21 TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

22 Verizon Online LLC ("Verizon") responds and objects as follows to the  
23 subpoena for records from Patrick Collins, Inc. in the above-captioned action:

24 1. Verizon objects to the subpoena on the ground that the subpoena is  
25 defective on its face because it purports to require Verizon to produce documents at  
26 Plaintiff's counsel's office in Miami, Florida, a location that is more than 100 miles  
27 from Verizon. Fed. R. Civ. P. 45(b)(2).  
28

2. Verizon further objects to the subpoena on the ground that it constitutes an abuse of the discovery process because John Does 1 – 31 have not been properly joined in the underlying action.<sup>1</sup>

3. Verizon further objects to the subpoena because the list of IP addresses and associated dates in Exhibit A to the Complaint appear to refute any allegation that the subscribers identified were acting in concert, given the time period during which Plaintiff's digital content was allegedly accessed.

4. Verizon further objects to the subpoena on the ground that Plaintiff has made no attempt to establish a prima facie evidentiary showing that personal jurisdiction would exist over John Does 1 – 31.

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6 protections guaranteed by the First Amendment.

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8 on Verizon obligations different from, or greater than, those required by the Federal  
9 Rules of Civil Procedure or applicable Local Rules.

10 Dated: September 12, 2012

MORRISON & FOERSTER LLP

11  
12 By: 

Giancarlo Urey

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14 Attorneys for  
VERIZON ONLINE LLC  
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**CERTIFICATE OF SERVICE BY MAIL**  
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 555 West Fifth Street, Los Angeles, California 90013-1024; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

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SUBPOENA TO VERIZON ONLINE LLC**

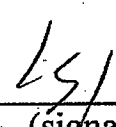
on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 555 West Fifth Street, Los Angeles, California 90013-1024, in accordance with Morrison & Foerster's ordinary business practices:

M. Keith Lipscomb, Esq.  
Lipscomb, Eisenberg & Baker, PL  
2 South Biscayne Boulevard  
Ste. 3800  
Miami, FL 33131

I declare under penalty of perjury that the above is true and correct.

Executed at Los Angeles, California, this 12th day of September, 2012.

Rosa L. Beltran  
(typed)

  
(signature)

**Patrick Collins, Inc. v. John Doe 1-43**

**Middle District of Florida**

**Case No. 2:12-cv-00521-JES-SPC**

LMF 44.

DEANNE E. MAYNARD  
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BFox@mofo.com; GUrey@mofo.com

Attorneys for  
VERIZON ONLINE LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

PATRICK COLLINS, INC.,  
Plaintiff,  
v.

JOHN DOES 1 - 43,  
Defendants.

No. 2:12-cv-00521-JES-SPC

[Action Pending in the Middle  
District of Florida]

**OBJECTIONS TO PATRICK  
COLLINS, INC.'S SUBPOENA  
TO VERIZON ONLINE LLC**

TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

Verizon Online LLC ("Verizon") responds and objects as follows to the subpoena for records from Patrick Collins, Inc. in the above-captioned action:

1. Verizon objects to the subpoena on the ground that it constitutes an abuse of the discovery process because John Does 1 – 43 are improperly joined in the underlying action.<sup>1</sup>

<sup>1</sup> See, e.g., *Media Products, Inc. v. John Does 1-26*, 2012 U.S. Dist. LEXIS 125366, at \*8 (S.D.N.Y. Sept. 4, 2012) (severing and dismissing all claims "against  
(Footnote continues on next page.)

2. Verizon further objects to the subpoena because the list of IP addresses and associated dates in Exhibit A to the Complaint appear to refute any allegation that the subscribers identified were acting in concert, given the time period during which Plaintiff's digital content was allegedly accessed.

3. Verizon further objects to the subpoena on the ground that Plaintiff has made no attempt to establish a prima facie evidentiary showing that personal jurisdiction would exist over John Does 1 – 43.

4. Verizon further objects to the subpoena on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of relevant information and imposes an undue burden on Verizon.

---

(Footnote continued from previous page.)

all Doe defendants other than John Doe 1 in each of the [three] cases” while noting that “[t]he defenses . . . vary greatly and turn on different factual and legal questions”); *Bubble Gum Productions, LLC v. Does 1 - 80*, 2012 U.S. Dist. LEXIS 100203, at \*14 (S.D. Fla. July 19, 2012) (holding that joinder is improper, *inter alia*, because “the possibility [of the Doe defendants asserting different defenses] rises about the level of mere speculation”); *K-Beech, Inc. v. Does 1-41*, 2012 U.S. Dist. LEXIS 31803 (S.D. Tex. Mar. 8, 2012 (granting motion to quash and severing Does 2-41 based on misjoinder); *Mick Haig Prods., e.K. v. Does*, 2011 U.S. Dist. LEXIS 128366 (N.D. Tex. Sept. 9, 2011), *aff’d* 2012 U.S. App. LEXIS 14263 (5th Cir. July 12, 2012); *Hard Drive Prods. v. Does*, 2011 U.S. Dist. LEXIS 132449, at \*9 (N.D. Cal. Nov. 16, 2011) (dismissing Does 2-130 and imposing ongoing obligations upon plaintiff and its counsel to demonstrate that the discovery sought of Doe 1 is used for a proper purpose); *First Time Videos LLC v. Doe*, 2011 U.S. Dist. LEXIS 104490, at \*4-10 (N.D. Cal. Sept. 15, 2011) (dismissing Does 2-294 and citing collected cases holding that discovery of mass alleged infringers is improper in this context); *Liberty Media Holdings, LLC v. BitTorrent Swarm*, 2011 U.S. Dist. LEXIS 126333, at \*3-9 (S.D. Fla. Nov. 1, 2011) (the court *sua sponte* found joinder of multiple Doe defendants improper under Fed. R. Civ. P. 20(a) and dismissed the claims against all but a single defendant); *Patrick Collins, Inc. v. Does 1-58*, 2011 U.S. Dist. LEXIS 120235 (E.D. Va. Oct. 13, 2011) (“The mere allegation that the defendants have used the same peer-to-peer network to copy and reproduce the Work—which occurred on different days and times over a span of two months—is insufficient to meet the standards of joinder set forth in Rule 20.”).



1           5.     Verizon further objects to the subpoena because Plaintiff has made an  
2     insufficient showing that discovery of the identifying information of John Does 1 -  
3     43 would be used for a proper purpose in the current litigation.<sup>2</sup>

4           6.     Verizon further objects to the subpoena to the extent it seeks  
5     information that is protected from disclosure by third parties' rights of privacy and  
6     protections guaranteed by the First Amendment.

7           7.     Verizon further objects to the subpoena to the extent it seeks to impose  
8     on Verizon obligations different from, or greater than, those required by the Federal  
9     Rules of Civil Procedure or applicable Local Rules.

10     Dated:    October 24, 2012

MORRISON & FOERSTER LLP

11  
12     By: \_\_\_\_\_

Giancarlo Urey

Attorneys for  
VERIZON ONLINE LLC

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24     \_\_\_\_\_  
25     <sup>2</sup> *Media Products, Inc.*, 2012 U.S. Dist. LEXIS 125366, at \*9 (noting that the  
26     Court is "troubled by the fact that some Doe defendants have already been  
27     voluntarily dismissed at this early stage in the litigation; it suggests as suspected  
28     that the pressure on Doe defendants to settle their case quickly and thereby avoid  
   embarrassment and litigation costs—when they may not even have committed any  
   infringement—is all too real").

**CERTIFICATE OF SERVICE BY MAIL**  
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 555 West Fifth Street, Los Angeles, California 90013-1024; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**OBJECTIONS TO PATRICK COLLINS, INC.'S  
SUBPOENA TO VERIZON ONLINE LLC**

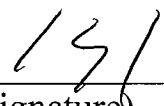
on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 555 West Fifth Street, Los Angeles, California 90013-1024, in accordance with Morrison & Foerster's ordinary business practices:

M. Keith Lipscomb, Esq.  
Lipscomb, Eisenberg & Baker, PL  
2 South Biscayne Boulevard  
Ste. 3800  
Miami, FL 33131

I declare under penalty of perjury that the above is true and correct.

Executed at Los Angeles, California, this 24th day of October, 2012.

Rosa L. Beltran  
(typed)

  
(signature)

**Patrick Collins, Inc. v. John Doe 1-17**

**Middle District of Florida**

**Case No. 8:12-cv-01668-JDW-TBM**

LMF 30

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9 Attorneys for  
10 VERIZON ONLINE LLC

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF TEXAS  
13

14 PATRICK COLLINS, INC.,

15 Plaintiff,

16 v.

17 JOHN DOES 1 - 17,

18 Defendants.  
19

No. 8:12-cv-01668-JDW-TBM

[Action Pending in the Middle  
District of Florida]

**OBJECTIONS TO PATRICK  
COLLINS, INC.'S SUBPOENA  
TO VERIZON ONLINE LLC**

20  
21 TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

22 Verizon Online LLC ("Verizon") responds and objects as follows to the  
23 subpoena for records from Patrick Collins, Inc. in the above-captioned action:

24 1. Verizon objects to the subpoena on the ground that it constitutes an  
25 abuse of the discovery process because John Does 1 – 17 have not been properly  
26 joined in the underlying action.<sup>1</sup>

27 <sup>1</sup> See, e.g., *Bubble Gum Productions, LLC v. Does 1 - 80*, 2012 U.S. Dist.  
28 LEXIS 100203, at \*14 (S.D. Fla. July 19, 2012) (holding that joinder is improper,  
(Footnote continues on next page.)

2. Verizon further objects to the subpoena because the list of IP addresses and associated dates in Exhibit A to the Complaint appear to refute any allegation that the subscribers identified were acting in concert, given the time period during which Plaintiff's digital content was allegedly accessed.

3. Verizon further objects to the subpoena on the ground that Plaintiff has made no attempt to establish a prima facie evidentiary showing that personal jurisdiction would exist over John Does 1 – 17.

4. Verizon further objects to the subpoena on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of relevant information and imposes an undue burden on Verizon.

5. Verizon further objects to the subpoena because Plaintiff has made an insufficient showing that discovery of the identifying information of John Does 1 - 17 would be used for a proper purpose in the current litigation.

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(Footnote continued from previous page.)

*inter alia*, because “the possibility [of the Doe defendants asserting different defenses] rises about the level of mere speculation”); *K-Beech, Inc. v. Does 1-41*, 2012 U.S. Dist. LEXIS 31803 (S.D. Tex. Mar. 8, 2012 (granting motion to quash and severing Does 2-41 based on misjoinder); *Mick Haig Prods., e.K. v. Does*, 2011 U.S. Dist. LEXIS 128366 (N.D. Tex. Sept. 9, 2011), *aff’d* 2012 U.S. App. LEXIS 14263 (5th Cir. July 12, 2012); *Hard Drive Prods. v. Does*, 2011 U.S. Dist. LEXIS 132449, at \*9 (N.D. Cal. Nov. 16, 2011) (dismissing Does 2-130 and imposing ongoing obligations upon plaintiff and its counsel to demonstrate that the discovery sought of Doe 1 is used for a proper purpose); *First Time Videos LLC v. Doe*, 2011 U.S. Dist. LEXIS 104490, at \*4-10 (N.D. Cal. Sept. 15, 2011) (dismissing Does 2-294 and citing collected cases holding that discovery of mass alleged infringers is improper in this context); *Liberty Media Holdings, LLC v. BitTorrent Swarm*, 2011 U.S. Dist. LEXIS 126333, at \*3-9 (S.D. Fla. Nov. 1, 2011) (the court *sua sponte* found joinder of multiple Doe defendants improper under Fed. R. Civ. P. 20(a) and dismissed the claims against all but a single defendant); *Patrick Collins, Inc. v. Does 1-58*, 2011 U.S. Dist. LEXIS 120235 (E.D. Va. Oct. 13, 2011) (“The mere allegation that the defendants have used the same peer-to-peer network to copy and reproduce the Work—which occurred on different days and times over a span of two months—is insufficient to meet the standards of joinder set forth in Rule 20.”).

**CERTIFICATE OF SERVICE BY MAIL**  
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 555 West Fifth Street, Los Angeles, California 90013-1024; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**OBJECTIONS TO MALIBU MEDIA, LLC.'S  
SUBPOENA TO VERIZON ONLINE LLC**

on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 555 West Fifth Street, Los Angeles, California 90013-1024, in accordance with Morrison & Foerster's ordinary business practices:

M. Keith Lipscomb, Esq.  
Lipscomb, Eisenberg & Baker, PL  
2 South Biscayne Boulevard  
Ste. 3800  
Miami, FL 33131

I declare under penalty of perjury that the above is true and correct.

Executed at Los Angeles, California, this 11th day of September, 2012.

Rosa L. Beltran  
(typed)

151  
(signature)

**Malibu Media, LLC. v. John Doe 1-67**

**Middle District of Florida**

**Case No. 2:12-CV-267-FtM-99AEP**

UMF 19

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Attorneys for  
VERIZON ONLINE LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

MALIBU MEDIA, LLC,

Plaintiff,

v.

JOHN DOES 1 - 67,

Defendants.

No. 2:12-cv-00267-UA-SPC

[Action Pending in the Middle  
District of Florida]

**OBJECTIONS TO MALIBU  
MEDIA, LLC'S SUBPOENA TO  
VERIZON ONLINE LLC**

TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

Verizon Online LLC ("Verizon") responds and objects as follows to the subpoena for records from Malibu Media, LLC in the above-captioned action:

1. Verizon objects to the subpoena on the ground that it constitutes an abuse of the discovery process because John Does 1 – 67 have not been properly joined in the underlying action.<sup>1</sup>

<sup>1</sup> See, e.g., *Bubble Gum Productions, LLC v. Does 1 - 80*, 2012 U.S. Dist. LEXIS 100203, at \*14 (S.D. Fla. July 19, 2012) (holding that joinder is improper, (Footnote continues on next page.)



2. Verizon further objects to the subpoena because the list of IP addresses and associated dates in Exhibit A to the Complaint appear to refute any allegation that the subscribers identified were acting in concert, given the time period during which Plaintiff's digital content was allegedly accessed.

3. Verizon further objects to the subpoena on the ground that Plaintiff has made no attempt to establish a prima facie evidentiary showing that personal jurisdiction would exist over John Does 1 – 67.

4. Verizon further objects to the subpoena on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of relevant information and imposes an undue burden on Verizon.

5. Verizon further objects to the subpoena because Plaintiff has made an insufficient showing that discovery of the identifying information of John Does 1 - 67 would be used for a proper purpose in the current litigation.

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(Footnote continued from previous page.)

*inter alia*, because “the possibility [of the Doe defendants asserting different defenses] rises about the level of mere speculation”); *K-Beech, Inc. v. Does 1-41*, 2012 U.S. Dist. LEXIS 31803 (S.D. Tex. Mar. 8, 2012 (granting motion to quash and severing Does 2-41 based on misjoinder); *Mick Haig Prods., e.K. v. Does*, 2011 U.S. Dist. LEXIS 128366 (N.D. Tex. Sept. 9, 2011), *aff’d* 2012 U.S. App. LEXIS 14263 (5th Cir. July 12, 2012); *Hard Drive Prods. v. Does*, 2011 U.S. Dist. LEXIS 132449, at \*9 (N.D. Cal. Nov. 16, 2011) (dismissing Does 2-130 and imposing ongoing obligations upon plaintiff and its counsel to demonstrate that the discovery sought of Doe 1 is used for a proper purpose); *First Time Videos LLC v. Doe*, 2011 U.S. Dist. LEXIS 104490, at \*4-10 (N.D. Cal. Sept. 15, 2011) (dismissing Does 2-294 and citing collected cases holding that discovery of mass alleged infringers is improper in this context); *Liberty Media Holdings, LLC v. BitTorrent Swarm*, 2011 U.S. Dist. LEXIS 126333, at \*3-9 (S.D. Fla. Nov. 1, 2011) (the court *sua sponte* found joinder of multiple Doe defendants improper under Fed. R. Civ. P. 20(a) and dismissed the claims against all but a single defendant); *Patrick Collins, Inc. v. Does 1-58*, 2011 U.S. Dist. LEXIS 120235 (E.D. Va. Oct. 13, 2011) (“The mere allegation that the defendants have used the same peer-to-peer network to copy and reproduce the Work—which occurred on different days and times over a span of two months—is insufficient to meet the standards of joinder set forth in Rule 20.”).

1           6.     Verizon further objects to the subpoena to the extent it seeks  
2 information that is protected from disclosure by third parties' rights of privacy and  
3 protections guaranteed by the First Amendment.

4           7.     Verizon further objects to the subpoena to the extent it seeks to impose  
5 on Verizon obligations different from, or greater than, those required by the Federal  
6 Rules of Civil Procedure or applicable Local Rules.

7 Dated:   August 31, 2012

MORRISON & FOERSTER LLP

8  
9 By: 

Giancarlo Urey

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11 Attorneys for  
12 VERIZON ONLINE LLC  
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**CERTIFICATE OF SERVICE BY MAIL**  
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 555 West Fifth Street, Los Angeles, California 90013-1024; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**OBJECTIONS TO MALIBU MEDIA, LLC'S  
SUBPOENA TO VERIZON ONLINE LLC**

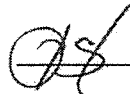
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M. Keith Lipscomb, Esq.  
Lipscomb, Eisenberg & Baker, PL  
2 South Biscayne Boulevard  
Ste. 3800  
Miami, FL 33131

I declare under penalty of perjury that the above is true and correct.

Executed at Los Angeles, California, this 31st day of August, 2012.

Rosa L. Beltran  
(typed)



(signature)

**Malibu Media, LLC. v. John Doe 1-24**

**Middle District of Florida**

**Case No. 2:12-cv-00425-UA-DNF**

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9 Attorneys for  
10 VERIZON ONLINE LLC

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF TEXAS  
13

14 MALIBU MEDIA, LLC,  
15 Plaintiff,

16 v.

17 JOHN DOES 1 - 24,  
18 Defendants.  
19

No. 2:12-cv-00425-UA-DNF

[Action Pending in the Middle  
District of Florida]

**OBJECTIONS TO MALIBU  
MEDIA, LLC'S SUBPOENA TO  
VERIZON ONLINE LLC**

20  
21 TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

22 Verizon Online LLC ("Verizon") responds and objects as follows to the  
23 subpoena for records from Malibu Media, LLC in the above-captioned action:

24 1. Verizon objects to the subpoena on the ground that it constitutes an  
25 abuse of the discovery process because John Does 1 – 24 have not been properly  
26 joined in the underlying action.<sup>1</sup>

27 <sup>1</sup> See, e.g., *Bubble Gum Productions, LLC v. Does 1 - 80*, 2012 U.S. Dist.  
28 LEXIS 100203, at \*14 (S.D. Fla. July 19, 2012) (holding that joinder is improper,  
(Footnote continues on next page.)

LMF 35

2. Verizon further objects to the subpoena because the list of IP addresses and associated dates in Exhibit A to the Complaint appear to refute any allegation that the subscribers identified were acting in concert, given the time period during which Plaintiff's digital content was allegedly accessed.

3. Verizon further objects to the subpoena on the ground that Plaintiff has made no attempt to establish a prima facie evidentiary showing that personal jurisdiction would exist over John Does 1 – 24.

4. Verizon further objects to the subpoena on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of relevant information and imposes an undue burden on Verizon.

5. Verizon further objects to the subpoena because Plaintiff has made an insufficient showing that discovery of the identifying information of John Does 1 - 24 would be used for a proper purpose in the current litigation.

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(Footnote continued from previous page.)

*inter alia*, because “the possibility [of the Doe defendants asserting different defenses] rises about the level of mere speculation”); *K-Beech, Inc. v. Does 1-41*, 2012 U.S. Dist. LEXIS 31803 (S.D. Tex. Mar. 8, 2012 (granting motion to quash and severing Does 2-41 based on misjoinder); *Mick Haig Prods., e.K. v. Does*, 2011 U.S. Dist. LEXIS 128366 (N.D. Tex. Sept. 9, 2011), *aff’d* 2012 U.S. App. LEXIS 14263 (5th Cir. July 12, 2012); *Hard Drive Prods. v. Does*, 2011 U.S. Dist. LEXIS 132449, at \*9 (N.D. Cal. Nov. 16, 2011) (dismissing Does 2-130 and imposing ongoing obligations upon plaintiff and its counsel to demonstrate that the discovery sought of Doe 1 is used for a proper purpose); *First Time Videos LLC v. Doe*, 2011 U.S. Dist. LEXIS 104490, at \*4-10 (N.D. Cal. Sept. 15, 2011) (dismissing Does 2-294 and citing collected cases holding that discovery of mass alleged infringers is improper in this context); *Liberty Media Holdings, LLC v. BitTorrent Swarm*, 2011 U.S. Dist. LEXIS 126333, at \*3-9 (S.D. Fla. Nov. 1, 2011) (the court *sua sponte* found joinder of multiple Doe defendants improper under Fed. R. Civ. P. 20(a) and dismissed the claims against all but a single defendant); *Patrick Collins, Inc. v. Does 1-58*, 2011 U.S. Dist. LEXIS 120235 (E.D. Va. Oct. 13, 2011) (“The mere allegation that the defendants have used the same peer-to-peer network to copy and reproduce the Work—which occurred on different days and times over a span of two months—is insufficient to meet the standards of joinder set forth in Rule 20.”).

1           6.     Verizon further objects to the subpoena to the extent it seeks  
2 information that is protected from disclosure by third parties' rights of privacy and  
3 protections guaranteed by the First Amendment.

4           7.     Verizon further objects to the subpoena to the extent it seeks to impose  
5 on Verizon obligations different from, or greater than, those required by the Federal  
6 Rules of Civil Procedure or applicable Local Rules.

7 Dated:   September 7, 2012

MORRISON & FOERSTER LLP

8  
9 By: 

Giancarlo Urey

Attorneys for  
VERIZON ONLINE LLC

**CERTIFICATE OF SERVICE BY MAIL**  
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 555 West Fifth Street, Los Angeles, California 90013-1024; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**OBJECTIONS TO MALIBU MEDIA, LLC.'S  
SUBPOENA TO VERIZON ONLINE LLC**

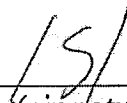
on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 555 West Fifth Street, Los Angeles, California 90013-1024, in accordance with Morrison & Foerster's ordinary business practices:

M. Keith Lipscomb, Esq.  
Lipscomb, Eisenberg & Baker, PL  
2 South Biscayne Boulevard  
Ste. 3800  
Miami, FL 33131

I declare under penalty of perjury that the above is true and correct.

Executed at Los Angeles, California, this 7th day of September, 2012.

Rosa L. Beltran  
(typed)

  
(signature)



**Malibu Media, LLC. v. John Doe 1-13**

**Middle District of Florida**

**Case No. 8:12-cv-01418-SCB-EAJ**

27

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8 BENJAMIN J. FOX (CA SBN 193374)  
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12 Los Angeles, California 90013-1024  
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15 BFox@mofo.com; GUrey@mofo.com

16 Attorneys for  
17 VERIZON ONLINE LLC

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF TEXAS  
13

14 MALIBU MEDIA, LLC.,  
15 Plaintiff,  
16 v.

17 JOHN DOES 1 – 13,  
18 Defendants.  
19

No. 8:12-cv-01418-SCB-EAJ

[Action Pending in the Middle  
District of Florida]

**OBJECTIONS TO MALIBU  
MEDIA, LLC.'S SUBPOENA TO  
VERIZON ONLINE LLC**

20  
21 TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

22 Verizon Online LLC ("Verizon") responds and objects as follows to the  
23 subpoena for records from Malibu Media, LLC. in the above-captioned action:

24 1. Verizon objects to the subpoena on the ground the subpoena is  
25 defective on its face because it purports to require Verizon to produce documents at  
26 Plaintiff's counsel's office in Miami, Florida, a location that is more than 100 miles  
27 from Verizon. Fed. R. Civ. P. 45(b)(2).  
28



2. Verizon further objects to the subpoena on the ground that it constitutes an abuse of the discovery process because John Does 1 – 13 have not been properly joined in the underlying action.<sup>1</sup>

3. Verizon further objects to the subpoena because the list of IP addresses and associated dates in Exhibit A to the Complaint appear to refute any allegation that the subscribers identified were acting in concert, given the time period during which Plaintiff's digital content was allegedly accessed.

4. Verizon further objects to the subpoena on the ground that Plaintiff has made no attempt to establish a prima facie evidentiary showing that personal jurisdiction would exist over John Does 1 – 13.

5. Verizon further objects to the subpoena on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of relevant information and imposes an undue burden on Verizon.

---

<sup>1</sup> See, e.g., *Bubble Gum Productions, LLC v. Does 1 - 80*, 2012 U.S. Dist. LEXIS 100203, at \*14 (S.D. Fla. July 19, 2012) (holding that joinder is improper, *inter alia*, because "the possibility [of the Doe defendants asserting different defenses] rises about the level of mere speculation"); *K-Beech, Inc. v. Does 1-41*, 2012 U.S. Dist. LEXIS 31803 (S.D. Tex. Mar. 8, 2012 (granting motion to quash and severing Does 2-41 based on misjoinder); *Mick Haig Prods., e.K. v. Does*, 2011 U.S. Dist. LEXIS 128366 (N.D. Tex. Sept. 9, 2011), *aff'd* 2012 U.S. App. LEXIS 14263 (5th Cir. July 12, 2012); *Hard Drive Prods. v. Does*, 2011 U.S. Dist. LEXIS 132449, at \*9 (N.D. Cal. Nov. 16, 2011) (dismissing Does 2-130 and imposing ongoing obligations upon plaintiff and its counsel to demonstrate that the discovery sought of Doe 1 is used for a proper purpose); *First Time Videos LLC v. Doe*, 2011 U.S. Dist. LEXIS 104490, at \*4-10 (N.D. Cal. Sept. 15, 2011) (dismissing Does 2-294 and citing collected cases holding that discovery of mass alleged infringers is improper in this context); *Liberty Media Holdings, LLC v. BitTorrent Swarm*, 2011 U.S. Dist. LEXIS 126333, at \*3-9 (S.D. Fla. Nov. 1, 2011) (the court *sua sponte* found joinder of multiple Doe defendants improper under Fed. R. Civ. P. 20(a) and dismissed the claims against all but a single defendant); *Patrick Collins, Inc. v. Does 1-58*, 2011 U.S. Dist. LEXIS 120235 (E.D. Va. Oct. 13, 2011) ("The mere allegation that the defendants have used the same peer-to-peer network to copy and reproduce the Work—which occurred on different days and times over a span of two months—is insufficient to meet the standards of joinder set forth in Rule 20.").

Verizon further objects to the subpoena because Plaintiff has not  
- sufficient showing that discovery of the identifying information of John Doe  
13 would be used for a proper purpose in the current litigation.

Verizon further objects to the subpoena to the extent it seeks to

discuss the identity of the person who is the subject of the subpoena.

Verizon further objects to the subpoena to the extent it seeks to

discuss the identity of the person who is the subject of the subpoena.

Verizon further objects to the subpoena to the extent it seeks to

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discuss the identity of the person who is the subject of the subpoena.

Verizon further objects to the subpoena to the extent it seeks to

discuss the identity of the person who is the subject of the subpoena.

1           6. Verizon further objects to the subpoena because Plaintiff has made an  
2 insufficient showing that discovery of the identifying information of John Does 1 -  
3 13 would be used for a proper purpose in the current litigation.

4           7. Verizon further objects to the subpoena to the extent it seeks  
5 information that is protected from disclosure by third parties' rights of privacy and  
6 protections guaranteed by the First Amendment.

7           8. Verizon further objects to the subpoena to the extent it seeks to impose  
8 on Verizon obligations different from, or greater than, those required by the Federal  
9 Rules of Civil Procedure or applicable Local Rules.

10 Dated: August 20, 2012

MORRISON & FOERSTER LLP

11  
12 By: 

13 Giancarlo Urey

14 Attorneys for  
15 VERIZON ONLINE LLC  
16  
17  
18  
19  
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21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE BY MAIL**  
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 555 West Fifth Street, Los Angeles, California 90013-1024; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**OBJECTIONS TO MALIBU MEDIA, LLC'S  
SUBPOENA TO VERIZON ONLINE LLC**

on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 555 West Fifth Street, Los Angeles, California 90013-1024, in accordance with Morrison & Foerster's ordinary business practices:

M. Keith Lipscomb  
Lipscomb, Eisenberg & Baker, PL  
2 South Biscayne Blvd., Ste. 3800  
Miami, FL 33131

I declare under penalty of perjury that the above is true and correct.

Executed at Los Angeles, California, this 20th day of August, 2012.

Rosa L. Beltran  
(typed)

/s/ (signature)

**Malibu Media, LLC. v. John Doe 1-18**

**Middle District of Florida**

**Case No. 8:12-cv-01419-EAK-TGW**



LMF 25

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BFox@mofo.com; GUrey@mofo.com

Attorneys for  
VERIZON ONLINE LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

MALIBU MEDIA, LLC,  
  
Plaintiff,  
  
v.  
  
JOHN DOES 1 - 18,  
  
Defendants.

No. 2:12-cv-01419-EAK-TGW

[Action Pending in the Middle  
District of Florida]

**OBJECTIONS TO MALIBU  
MEDIA, LLC'S SUBPOENA TO  
VERIZON ONLINE LLC**

TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

Verizon Online LLC ("Verizon") responds and objects as follows to the subpoena for records from Malibu Media, LLC in the above-captioned action:

1. Verizon objects to the subpoena on the ground that it constitutes an abuse of the discovery process because John Does 1 – 18 have not been properly joined in the underlying action.<sup>1</sup>

<sup>1</sup> See, e.g., *Bubble Gum Productions, LLC v. Does 1 - 80*, 2012 U.S. Dist. LEXIS 100203, at \*14 (S.D. Fla. July 19, 2012) (holding that joinder is improper, (Footnote continues on next page.)

2. Verizon further objects to the subpoena because the list of IP addresses and associated dates in Exhibit A to the Complaint appear to refute any allegation that the subscribers identified were acting in concert, given the time period during which Plaintiff's digital content was allegedly accessed.

3. Verizon further objects to the subpoena on the ground that Plaintiff has made no attempt to establish a prima facie evidentiary showing that personal jurisdiction would exist over John Does 1 – 18.

4. Verizon further objects to the subpoena on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of relevant information and imposes an undue burden on Verizon.

5. Verizon further objects to the subpoena because Plaintiff has made an insufficient showing that discovery of the identifying information of John Does 1 - 18 would be used for a proper purpose in the current litigation.

---

(Footnote continued from previous page.)

*inter alia*, because “the possibility [of the Doe defendants asserting different defenses] rises about the level of mere speculation”); *K-Beech, Inc. v. Does 1-41*, 2012 U.S. Dist. LEXIS 31803 (S.D. Tex. Mar. 8, 2012 (granting motion to quash and severing Does 2-41 based on misjoinder); *Mick Haig Prods., e.K. v. Does*, 2011 U.S. Dist. LEXIS 128366 (N.D. Tex. Sept. 9, 2011), *aff'd* 2012 U.S. App. LEXIS 14263 (5th Cir. July 12, 2012); *Hard Drive Prods. v. Does*, 2011 U.S. Dist. LEXIS 132449, at \*9 (N.D. Cal. Nov. 16, 2011) (dismissing Does 2-130 and imposing ongoing obligations upon plaintiff and its counsel to demonstrate that the discovery sought of Doe 1 is used for a proper purpose); *First Time Videos LLC v. Doe*, 2011 U.S. Dist. LEXIS 104490, at \*4-10 (N.D. Cal. Sept. 15, 2011) (dismissing Does 2-294 and citing collected cases holding that discovery of mass alleged infringers is improper in this context); *Liberty Media Holdings, LLC v. BitTorrent Swarm*, 2011 U.S. Dist. LEXIS 126333, at \*3-9 (S.D. Fla. Nov. 1, 2011) (the court *sua sponte* found joinder of multiple Doe defendants improper under Fed. R. Civ. P. 20(a) and dismissed the claims against all but a single defendant); *Patrick Collins, Inc. v. Does 1-58*, 2011 U.S. Dist. LEXIS 120235 (E.D. Va. Oct. 13, 2011) (“The mere allegation that the defendants have used the same peer-to-peer network to copy and reproduce the Work—which occurred on different days and times over a span of two months—is insufficient to meet the standards of joinder set forth in Rule 20.”).

1           6.     Verizon further objects to the subpoena to the extent it seeks  
2 information that is protected from disclosure by third parties' rights of privacy and  
3 protections guaranteed by the First Amendment.

4           7.     Verizon further objects to the subpoena to the extent it seeks to impose  
5 on Verizon obligations different from, or greater than, those required by the Federal  
6 Rules of Civil Procedure or applicable Local Rules.

7 Dated:   August 31, 2012

MORRISON & FOERSTER LLP

8  
9 By: \_\_\_\_\_

Giancarlo Urey

Attorneys for  
VERIZON ONLINE LLC

**CERTIFICATE OF SERVICE BY MAIL**  
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 555 West Fifth Street, Los Angeles, California 90013-1024; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**OBJECTIONS TO MALIBU MEDIA, LLC.'S  
SUBPOENA TO VERIZON ONLINE LLC**

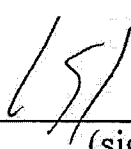
on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 555 West Fifth Street, Los Angeles, California 90013-1024, in accordance with Morrison & Foerster's ordinary business practices:

M. Keith Lipscomb, Esq.  
Lipscomb, Eisenberg & Baker, PL  
2 South Biscayne Boulevard  
Ste. 3800  
Miami, FL 33131

I declare under penalty of perjury that the above is true and correct.

Executed at Los Angeles, California, this 31st day of August, 2012.

\_\_\_\_\_  
Rosa L. Beltran  
(typed)

  
\_\_\_\_\_  
(signature)

**Malibu Media, LLC. v. John Doe 1-19**

**Middle District of Florida**

**Case No. 8:12-cv-01666-JSM-EAJ**

LMF 32

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14 Facsimile: 213.892.5454  
15 BFox@mofo.com; GUrey@mofo.com

16 Attorneys for  
17 VERIZON ONLINE LLC

18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF TEXAS

20 MALIBU MEDIA, LLC,

21 Plaintiff,

22 v.

23 JOHN DOES 1 - 19,

24 Defendants.

No. 2:12-cv-001666-JSM-TBM

[Action Pending in the Middle  
District of Florida]

**OBJECTIONS TO MALIBU  
MEDIA, LLC'S SUBPOENA TO  
VERIZON ONLINE LLC**

25 TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

26 Verizon Online LLC ("Verizon") responds and objects as follows to the  
27 subpoena for records from Malibu Media, LLC in the above-captioned action:

28 1. Verizon objects to the subpoena on the ground that it constitutes an  
abuse of the discovery process because John Does 1 – 19 have not been properly  
joined in the underlying action.<sup>1</sup>

<sup>1</sup> See, e.g., *Bubble Gum Productions, LLC v. Does 1 - 80*, 2012 U.S. Dist.  
LEXIS 100203, at \*14 (S.D. Fla. July 19, 2012) (holding that joinder is improper,  
(Footnote continues on next page.)

1           2.     Verizon further objects to the subpoena because the list of IP addresses  
2 and associated dates in Exhibit A to the Complaint appear to refute any allegation  
3 that the subscribers identified were acting in concert, given the time period during  
4 which Plaintiff's digital content was allegedly accessed.

5           3.     Verizon further objects to the subpoena on the ground that Plaintiff has  
6 made no attempt to establish a prima facie evidentiary showing that personal  
7 jurisdiction would exist over John Does 1 – 19.

8           4.     Verizon further objects to the subpoena on the ground that it seeks  
9 information that is neither relevant nor reasonably calculated to lead to the  
10 discovery of relevant information and imposes an undue burden on Verizon.

11          5.     Verizon further objects to the subpoena because Plaintiff has made an  
12 insufficient showing that discovery of the identifying information of John Does 1 -  
13 19 would be used for a proper purpose in the current litigation.

14  
15  
16 (Footnote continued from previous page.)

17 *inter alia*, because “the possibility [of the Doe defendants asserting different  
18 defenses] rises about the level of mere speculation”); *K-Beech, Inc. v. Does 1-41*,  
19 2012 U.S. Dist. LEXIS 31803 (S.D. Tex. Mar. 8, 2012 (granting motion to quash  
20 and severing Does 2-41 based on misjoinder); *Mick Haig Prods., e.K. v. Does*, 2011  
21 U.S. Dist. LEXIS 128366 (N.D. Tex. Sept. 9, 2011), *aff'd* 2012 U.S. App. LEXIS  
22 14263 (5th Cir. July 12, 2012); *Hard Drive Prods. v. Does*, 2011 U.S. Dist. LEXIS  
23 132449, at \*9 (N.D. Cal. Nov. 16, 2011) (dismissing Does 2-130 and imposing  
24 ongoing obligations upon plaintiff and its counsel to demonstrate that the discovery  
25 sought of Doe 1 is used for a proper purpose); *First Time Videos LLC v. Doe*, 2011  
26 U.S. Dist. LEXIS 104490, at \*4-10 (N.D. Cal. Sept. 15, 2011) (dismissing Does 2-  
27 294 and citing collected cases holding that discovery of mass alleged infringers is  
28 improper in this context); *Liberty Media Holdings, LLC v. BitTorrent Swarm*, 2011  
U.S. Dist. LEXIS 126333, at \*3-9 (S.D. Fla. Nov. 1, 2011) (the court *sua sponte*  
found joinder of multiple Doe defendants improper under Fed. R. Civ. P. 20(a) and  
dismissed the claims against all but a single defendant); *Patrick Collins, Inc. v.*  
*Does 1-58*, 2011 U.S. Dist. LEXIS 120235 (E.D. Va. Oct. 13, 2011) (“The mere  
allegation that the defendants have used the same peer-to-peer network to copy and  
reproduce the Work—which occurred on different days and times over a span of  
two months—is insufficient to meet the standards of joinder set forth in Rule 20.”).

1           6.     Verizon further objects to the subpoena to the extent it seeks  
2 information that is protected from disclosure by third parties' rights of privacy and  
3 protections guaranteed by the First Amendment.

4           7.     Verizon further objects to the subpoena to the extent it seeks to impose  
5 on Verizon obligations different from, or greater than, those required by the Federal  
6 Rules of Civil Procedure or applicable Local Rules.

7 Dated:   September 11, 2012

MORRISON & FOERSTER LLP

8  
9 By: 

Giancarlo Urey

Attorneys for  
VERIZON ONLINE LLC



**CERTIFICATE OF SERVICE BY MAIL**  
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 555 West Fifth Street, Los Angeles, California 90013-1024; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**OBJECTIONS TO MALIBU MEDIA, LLC'S  
SUBPOENA TO VERIZON ONLINE LLC**

on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 555 West Fifth Street, Los Angeles, California 90013-1024, in accordance with Morrison & Foerster's ordinary business practices:

M. Keith Lipscomb, Esq.  
Lipscomb, Eisenberg & Baker, PL  
2 South Biscayne Boulevard  
Ste. 3800  
Miami, FL 33131

I declare under penalty of perjury that the above is true and correct.

Executed at Los Angeles, California, this 11th day of September, 2012.

Rosa L. Beltran  
(typed)

151  
(signature)

**Malibu Media, LLC. v. John Doe 1-28**

**Middle District of Florida**

**Case No. 8:12-cv-01667-JDW-MAP**

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9 Attorneys for  
10 VERIZON ONLINE LLC

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF TEXAS  
13

14 MALIBU MEDIA, LLC,  
15 Plaintiff,

16 v.

17 JOHN DOES 1 - 28,  
18 Defendants.

No. 8:12-cv-01667-JDW-MAP

[Action Pending in the Middle  
District of Florida]

**OBJECTIONS TO MALIBU  
MEDIA, LLC'S SUBPOENA TO  
VERIZON ONLINE LLC**

19  
20  
21 TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

22 Verizon Online LLC ("Verizon") responds and objects as follows to the  
23 subpoena for records from Malibu Media, LLC in the above-captioned action:

24 1. Verizon objects to the subpoena on the ground that it constitutes an  
25 abuse of the discovery process because John Does 1 - 28 have not been properly  
26 joined in the underlying action.<sup>1</sup>

27 <sup>1</sup> See, e.g., *Bubble Gum Productions, LLC v. Does 1 - 80*, 2012 U.S. Dist.  
28 LEXIS 100203, at \*14 (S.D. Fla. July 19, 2012) (holding that joinder is improper,  
(Footnote continues on next page.)

2. Verizon further objects to the subpoena because the list of IP addresses and associated dates in Exhibit A to the Complaint appear to refute any allegation that the subscribers identified were acting in concert, given the time period during which Plaintiff's digital content was allegedly accessed.

3. Verizon further objects to the subpoena on the ground that Plaintiff has made no attempt to establish a prima facie evidentiary showing that personal jurisdiction would exist over John Does 1 – 28.

4. Verizon further objects to the subpoena on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of relevant information and imposes an undue burden on Verizon.

5. Verizon further objects to the subpoena because Plaintiff has made an insufficient showing that discovery of the identifying information of John Does 1 - 28 would be used for a proper purpose in the current litigation.

---

(Footnote continued from previous page.)

*inter alia*, because “the possibility [of the Doe defendants asserting different defenses] rises about the level of mere speculation”); *K-Beech, Inc. v. Does 1-41*, 2012 U.S. Dist. LEXIS 31803 (S.D. Tex. Mar. 8, 2012 (granting motion to quash and severing Does 2-41 based on misjoinder); *Mick Haig Prods., e.K. v. Does*, 2011 U.S. Dist. LEXIS 128366 (N.D. Tex. Sept. 9, 2011), *aff’d* 2012 U.S. App. LEXIS 14263 (5th Cir. July 12, 2012); *Hard Drive Prods. v. Does*, 2011 U.S. Dist. LEXIS 132449, at \*9 (N.D. Cal. Nov. 16, 2011) (dismissing Does 2-130 and imposing ongoing obligations upon plaintiff and its counsel to demonstrate that the discovery sought of Doe 1 is used for a proper purpose); *First Time Videos LLC v. Doe*, 2011 U.S. Dist. LEXIS 104490, at \*4-10 (N.D. Cal. Sept. 15, 2011) (dismissing Does 2-294 and citing collected cases holding that discovery of mass alleged infringers is improper in this context); *Liberty Media Holdings, LLC v. BitTorrent Swarm*, 2011 U.S. Dist. LEXIS 126333, at \*3-9 (S.D. Fla. Nov. 1, 2011) (the court *sua sponte* found joinder of multiple Doe defendants improper under Fed. R. Civ. P. 20(a) and dismissed the claims against all but a single defendant); *Patrick Collins, Inc. v. Does 1-58*, 2011 U.S. Dist. LEXIS 120235 (E.D. Va. Oct. 13, 2011) (“The mere allegation that the defendants have used the same peer-to-peer network to copy and reproduce the Work—which occurred on different days and times over a span of two months—is insufficient to meet the standards of joinder set forth in Rule 20.”).

1           6.     Verizon further objects to the subpoena to the extent it seeks  
2 information that is protected from disclosure by third parties' rights of privacy and  
3 protections guaranteed by the First Amendment.

4           7.     Verizon further objects to the subpoena to the extent it seeks to impose  
5 on Verizon obligations different from, or greater than, those required by the Federal  
6 Rules of Civil Procedure or applicable Local Rules.

7 Dated:   September 7, 2012

MORRISON & FOERSTER LLP

8  
9 By: 

Giancarlo Urey

Attorneys for  
VERIZON ONLINE LLC

**CERTIFICATE OF SERVICE BY MAIL**  
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 555 West Fifth Street, Los Angeles, California 90013-1024; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**OBJECTIONS TO MALIBU MEDIA, LLC.'S  
SUBPOENA TO VERIZON ONLINE LLC**

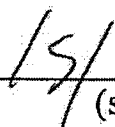
on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 555 West Fifth Street, Los Angeles, California 90013-1024, in accordance with Morrison & Foerster's ordinary business practices:

M. Keith Lipscomb, Esq.  
Lipscomb, Eisenberg & Baker, PL  
2 South Biscayne Boulevard  
Ste. 3800  
Miami, FL 33131

I declare under penalty of perjury that the above is true and correct.

Executed at Los Angeles, California, this 7th day of September, 2012.

Rosa L. Beltran  
(typed)

  
(signature)

**Malibu Media, LLC. v. John Doe 1-27**

**Middle District of Florida**

**Case No. 8:12-cv-01764-VMC-TGW**

LMF 34

DEANNE E. MAYNARD  
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BENJAMIN J. FOX (CA SBN 193374)  
GIANCARLO UREY (CA SBN 267069)  
MORRISON & FOERSTER LLP  
555 West Fifth Street  
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Telephone: 213.892.5200  
Facsimile: 213.892.5454  
BFox@mofo.com; GUrey@mofo.com

Attorneys for  
VERIZON ONLINE LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

MALIBU MEDIA, LLC,  
Plaintiff,

v.

JOHN DOES 1 - 27,  
Defendants.

No. 8:12-cv-01764-VMC-TGW

[Action Pending in the Middle  
District of Florida]

**OBJECTIONS TO MALIBU  
MEDIA, LLC'S SUBPOENA TO  
VERIZON ONLINE LLC**

TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

Verizon Online LLC ("Verizon") responds and objects as follows to the subpoena for records from Malibu Media, LLC in the above-captioned action:

1. Verizon objects to the subpoena on the ground that it constitutes an abuse of the discovery process because John Does 1 – 27 are improperly joined in the underlying action.<sup>1</sup>

<sup>1</sup> See, e.g., *Media Products, Inc. v. John Does 1-26*, 2012 U.S. Dist. LEXIS 125366, at \*8 (S.D.N.Y. Sept. 4, 2012) (severing and dismissing all claims "against all Doe defendants other than John Doe 1 in each of the [three] cases" while noting

(Footnote continues on next page.)



2. Verizon further objects to the subpoena because the list of IP addresses and associated dates in Exhibit A to the Complaint appear to refute any allegation that the subscribers identified were acting in concert, given the time period during which Plaintiff's digital content was allegedly accessed.<sup>2</sup>

3. Verizon further objects to the subpoena on the ground that Plaintiff has made no attempt to establish a prima facie evidentiary showing that personal jurisdiction would exist over John Does 1 – 27.

4. Verizon further objects to the subpoena on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of relevant information and imposes an undue burden on Verizon.

---

(Footnote continued from previous page.)

that “[t]he defenses . . . vary greatly and turn on different factual and legal questions”); *Bubble Gum Productions, LLC v. Does 1 - 80*, 2012 U.S. Dist. LEXIS 100203, at \*14 (S.D. Fla. July 19, 2012) (holding that joinder is improper, *inter alia*, because “the possibility [of the Doe defendants asserting different defenses] rises about the level of mere speculation”); *K-Beech, Inc. v. Does 1-41*, 2012 U.S. Dist. LEXIS 31803 (S.D. Tex. Mar. 8, 2012 (granting motion to quash and severing Does 2-41 based on misjoinder); *Mick Haig Prods., e.K. v. Does*, 2011 U.S. Dist. LEXIS 128366 (N.D. Tex. Sept. 9, 2011), *aff’d* 2012 U.S. App. LEXIS 14263 (5th Cir. July 12, 2012); *Hard Drive Prods. v. Does*, 2011 U.S. Dist. LEXIS 132449, at \*9 (N.D. Cal. Nov. 16, 2011) (dismissing Does 2-130 and imposing ongoing obligations upon plaintiff and its counsel to demonstrate that the discovery sought of Doe 1 is used for a proper purpose); *First Time Videos LLC v. Doe*, 2011 U.S. Dist. LEXIS 104490, at \*4-10 (N.D. Cal. Sept. 15, 2011) (dismissing Does 2-294 and citing collected cases holding that discovery of mass alleged infringers is improper in this context); *Liberty Media Holdings, LLC v. BitTorrent Swarm*, 2011 U.S. Dist. LEXIS 126333, at \*3-9 (S.D. Fla. Nov. 1, 2011) (the court *sua sponte* found joinder of multiple Doe defendants improper under Fed. R. Civ. P. 20(a) and dismissed the claims against all but a single defendant); *Patrick Collins, Inc. v. Does 1-58*, 2011 U.S. Dist. LEXIS 120235 (E.D. Va. Oct. 13, 2011) (“The mere allegation that the defendants have used the same peer-to-peer network to copy and reproduce the Work—which occurred on different days and times over a span of two months—is insufficient to meet the standards of joinder set forth in Rule 20.”).

<sup>2</sup> See, e.g., *Aerosoft GMBH v. John Does 1-50*, 2012 U.S. Dist. LEXIS 151977, at \*13-14 (S.D. Fla. Oct. 23, 2012) (citing the “different dates and times each Doe was part of the swarm” as a basis for rejecting the assertion that “the Does were involved together in the transaction or series of transactions”).

1           5.     Verizon further objects to the subpoena because Plaintiff has made an  
2 insufficient showing that discovery of the identifying information of John Does 1 -  
3 27 would be used for a proper purpose in the current litigation.<sup>3</sup>

4           6.     Verizon further objects to the subpoena to the extent it seeks  
5 information that is protected from disclosure by third parties' rights of privacy and  
6 protections guaranteed by the First Amendment.

7           7.     Verizon further objects to the subpoena to the extent it seeks to impose  
8 on Verizon obligations different from, or greater than, those required by the Federal  
9 Rules of Civil Procedure or applicable Local Rules.

10     Dated:    October 26, 2012

MORRISON & FOERSTER LLP

11  
12     By: \_\_\_\_\_

Giancarlo Urey

13  
14     Attorneys for  
VERIZON ONLINE LLC

15  
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17  
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22  
23  
24     

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<sup>3</sup> *Media Products, Inc.*, 2012 U.S. Dist. LEXIS 125366, at \*9 (noting that the  
25 Court is "troubled by the fact that some Doe defendants have already been  
26 voluntarily dismissed at this early stage in the litigation; it suggests as suspected  
27 that the pressure on Doe defendants to settle their case quickly and thereby avoid  
28 embarrassment and litigation costs—when they may not even have committed any  
infringement—is all too real").

**CERTIFICATE OF SERVICE BY MAIL**  
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 555 West Fifth Street, Los Angeles, California 90013-1024; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**OBJECTIONS TO MALIBU MEDIA, LLC.'S  
SUBPOENA TO VERIZON ONLINE LLC**

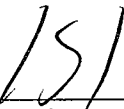
on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 555 West Fifth Street, Los Angeles, California 90013-1024, in accordance with Morrison & Foerster's ordinary business practices:

M. Keith Lipscomb, Esq.  
Lipscomb, Eisenberg & Baker, PL  
2 South Biscayne Boulevard  
Ste. 3800  
Miami, FL 33131

I declare under penalty of perjury that the above is true and correct.

Executed at Los Angeles, California, this 26th day of October, 2012.

Rosa L. Beltran  
(typed)

  
(signature)

**Malibu Media, LLC. v. John Doe 1-25**

**Middle District of Florida**

**Case No. 8:12-cv-01767-JSM-MAP**

LMF 36

1 DEANNE E. MAYNARD  
2 MORRISON & FOERSTER LLP  
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Washington, D.C. 20006-1888  
3 Telephone: (202) 887-1500  
Facsimile: (202) 887-0763  
4 DMaynard@mofo.com

5 BENJAMIN J. FOX (CA SBN 193374)  
6 GIANCARLO UREY (CA SBN 267069)  
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BFox@mofo.com; GUrey@mofo.com

9 Attorneys for  
10 VERIZON ONLINE LLC

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF TEXAS  
13

14 MALIBU MEDIA, LLC,

15 Plaintiff,

16 v.

17 JOHN DOES 1 - 25,

18 Defendants.  
19

No. 8:12-cv-01767-JSM-MAP

[Action Pending in the Middle  
District of Florida]

**OBJECTIONS TO MALIBU  
MEDIA, LLC'S SUBPOENA TO  
VERIZON ONLINE LLC**

20  
21 TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

22 Verizon Online LLC ("Verizon") responds and objects as follows to the  
23 subpoena for records from Malibu Media, LLC in the above-captioned action:

24 1. Verizon objects to the subpoena on the ground that it constitutes an  
25 abuse of the discovery process because John Does 1 – 25 are improperly joined in  
26 the underlying action.<sup>1</sup>

27 <sup>1</sup> See, e.g., *Media Products, Inc. v. John Does 1-26*, 2012 U.S. Dist. LEXIS  
28 125366, at \*8 (S.D.N.Y. Sept. 4, 2012) (severing and dismissing all claims "against  
(Footnote continues on next page.)

2. Verizon further objects to the subpoena because the list of IP addresses and associated dates in Exhibit A to the Complaint appear to refute any allegation that the subscribers identified were acting in concert, given the time period during which Plaintiff's digital content was allegedly accessed.<sup>2</sup>

3. Verizon further objects to the subpoena on the ground that Plaintiff has made no attempt to establish a prima facie evidentiary showing that personal jurisdiction would exist over John Does 1 – 25.

---

(Footnote continued from previous page.)

all Doe defendants other than John Doe 1 in each of the [three] cases" while noting that "[t]he defenses . . . vary greatly and turn on different factual and legal questions"); *Bubble Gum Productions, LLC v. Does 1 - 80*, 2012 U.S. Dist. LEXIS 100203, at \*14 (S.D. Fla. July 19, 2012) (holding that joinder is improper, *inter alia*, because "the possibility [of the Doe defendants asserting different defenses] rises about the level of mere speculation"); *K-Beech, Inc. v. Does 1-41*, 2012 U.S. Dist. LEXIS 31803 (S.D. Tex. Mar. 8, 2012 (granting motion to quash and severing Does 2-41 based on misjoinder); *Mick Haig Prods., e.K. v. Does*, 2011 U.S. Dist. LEXIS 128366 (N.D. Tex. Sept. 9, 2011), *aff'd* 2012 U.S. App. LEXIS 14263 (5th Cir. July 12, 2012); *Hard Drive Prods. v. Does*, 2011 U.S. Dist. LEXIS 132449, at \*9 (N.D. Cal. Nov. 16, 2011) (dismissing Does 2-130 and imposing ongoing obligations upon plaintiff and its counsel to demonstrate that the discovery sought of Doe 1 is used for a proper purpose); *First Time Videos LLC v. Doe*, 2011 U.S. Dist. LEXIS 104490, at \*4-10 (N.D. Cal. Sept. 15, 2011) (dismissing Does 2-294 and citing collected cases holding that discovery of mass alleged infringers is improper in this context); *Liberty Media Holdings, LLC v. BitTorrent Swarm*, 2011 U.S. Dist. LEXIS 126333, at \*3-9 (S.D. Fla. Nov. 1, 2011) (the court *sua sponte* found joinder of multiple Doe defendants improper under Fed. R. Civ. P. 20(a) and dismissed the claims against all but a single defendant); *Patrick Collins, Inc. v. Does 1-58*, 2011 U.S. Dist. LEXIS 120235 (E.D. Va. Oct. 13, 2011) ("The mere allegation that the defendants have used the same peer-to-peer network to copy and reproduce the Work—which occurred on different days and times over a span of two months—is insufficient to meet the standards of joinder set forth in Rule 20.").

<sup>2</sup> See, e.g., *Aerosoft GMBH v. John Does 1-50*, 2012 U.S. Dist. LEXIS 151977, at \*13-14 (S.D. Fla. Oct. 23, 2012) (citing the "different dates and times each Doe was part of the swarm" as a basis for rejecting the assertion that "the Does were involved together in the transaction or series of transactions").

1           4.     Verizon further objects to the subpoena on the ground that it seeks  
2 information that is neither relevant nor reasonably calculated to lead to the  
3 discovery of relevant information and imposes an undue burden on Verizon.

4           5.     Verizon further objects to the subpoena because Plaintiff has made an  
5 insufficient showing that discovery of the identifying information of John Does 1 -  
6 25 would be used for a proper purpose in the current litigation.<sup>3</sup>

7           6.     Verizon further objects to the subpoena to the extent it seeks  
8 information that is protected from disclosure by third parties' rights of privacy and  
9 protections guaranteed by the First Amendment.

10          7.     Verizon further objects to the subpoena to the extent it seeks to impose  
11 on Verizon obligations different from, or greater than, those required by the Federal  
12 Rules of Civil Procedure or applicable Local Rules.

13 Dated:   November 1, 2012

MORRISON & FOERSTER LLP

14  
15 By: \_\_\_\_\_

Giancarlo Urey

16  
17 Attorneys for  
VERIZON ONLINE LLC  
18  
19  
20  
21  
22  
23

24 \_\_\_\_\_  
25 <sup>3</sup> *Media Products, Inc.*, 2012 U.S. Dist. LEXIS 125366, at \*9 (noting that the  
26 Court is "troubled by the fact that some Doe defendants have already been  
27 voluntarily dismissed at this early stage in the litigation; it suggests as suspected  
28 that the pressure on Doe defendants to settle their case quickly and thereby avoid  
embarrassment and litigation costs—when they may not even have committed any  
infringement—is all too real").

**CERTIFICATE OF SERVICE BY MAIL**  
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 555 West Fifth Street, Los Angeles, California 90013-1024; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**OBJECTIONS TO MALIBU MEDIA LLC'S  
SUBPOENA TO VERIZON ONLINE LLC**


on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 555 West Fifth Street, Los Angeles, California 90013-1024, in accordance with Morrison & Foerster's ordinary business practices:

M. Keith Lipscomb, Esq.  
Lipscomb, Eisenberg & Baker, PL  
2 South Biscayne Boulevard  
Ste. 3800  
Miami, FL 33131

I declare under penalty of perjury that the above is true and correct.

Executed at Los Angeles, California, this 1st day of November, 2012.

Rosa L. Beltran  
(typed)

  
(signature)



**Malibu Media, LLC. v. John Doe 1-8**

**Middle District of Florida**

**Case No. 8:12-cv-01822-JDW-MAP**

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1 DEANNE E. MAYNARD  
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7 DMaynard@mofo.com

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9 GIANCARLO UREY (CA SBN 267069)  
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15 BFox@mofo.com; GUrey@mofo.com

16 Attorneys for  
17 VERIZON ONLINE LLC

18 UNITED STATES DISTRICT COURT  
19 NORTHERN DISTRICT OF TEXAS

20 MALIBU MEDIA, LLC,

21 Plaintiff,

22 v.

23 JOHN DOES 1 - 8,

24 Defendants.

No. 8:12-cv-01822-JDW-MAP

[Action Pending in the Middle  
District of Florida]

**OBJECTIONS TO MALIBU  
MEDIA, LLC'S SUBPOENA TO  
VERIZON ONLINE LLC**

25 TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

26 Verizon Online LLC ("Verizon") responds and objects as follows to the  
27 subpoena for records from Malibu Media, LLC in the above-captioned action:

28 1. Verizon objects to the subpoena on the ground that it constitutes an  
abuse of the discovery process because John Does 1 – 8 have not been properly  
joined in the underlying action.<sup>1</sup>

<sup>1</sup> See, e.g., *Bubble Gum Productions, LLC v. Does 1 - 80*, 2012 U.S. Dist.  
LEXIS 100203, at \*14 (S.D. Fla. July 19, 2012) (holding that joinder is improper,  
(Footnote continues on next page.)

2. Verizon further objects to the subpoena because the list of IP addresses and associated dates in Exhibit A to the Complaint appear to refute any allegation that the subscribers identified were acting in concert, given the time period during which Plaintiff's digital content was allegedly accessed.

3. Verizon further objects to the subpoena on the ground that Plaintiff has made no attempt to establish a prima facie evidentiary showing that personal jurisdiction would exist over John Does 1 – 8.

4. Verizon further objects to the subpoena on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of relevant information and imposes an undue burden on Verizon.

5. Verizon further objects to the subpoena because Plaintiff has made an insufficient showing that discovery of the identifying information of John Does 1 - 8 would be used for a proper purpose in the current litigation.

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(Footnote continued from previous page.)

*inter alia*, because “the possibility [of the Doe defendants asserting different defenses] rises about the level of mere speculation”); *K-Beech, Inc. v. Does 1-41*, 2012 U.S. Dist. LEXIS 31803 (S.D. Tex. Mar. 8, 2012 (granting motion to quash and severing Does 2-41 based on misjoinder); *Mick Haig Prods., e.K. v. Does*, 2011 U.S. Dist. LEXIS 128366 (N.D. Tex. Sept. 9, 2011), *aff’d* 2012 U.S. App. LEXIS 14263 (5th Cir. July 12, 2012); *Hard Drive Prods. v. Does*, 2011 U.S. Dist. LEXIS 132449, at \*9 (N.D. Cal. Nov. 16, 2011) (dismissing Does 2-130 and imposing ongoing obligations upon plaintiff and its counsel to demonstrate that the discovery sought of Doe 1 is used for a proper purpose); *First Time Videos LLC v. Doe*, 2011 U.S. Dist. LEXIS 104490, at \*4-10 (N.D. Cal. Sept. 15, 2011) (dismissing Does 2-294 and citing collected cases holding that discovery of mass alleged infringers is improper in this context); *Liberty Media Holdings, LLC v. BitTorrent Swarm*, 2011 U.S. Dist. LEXIS 126333, at \*3-9 (S.D. Fla. Nov. 1, 2011) (the court *sua sponte* found joinder of multiple Doe defendants improper under Fed. R. Civ. P. 20(a) and dismissed the claims against all but a single defendant); *Patrick Collins, Inc. v. Does 1-58*, 2011 U.S. Dist. LEXIS 120235 (E.D. Va. Oct. 13, 2011) (“The mere allegation that the defendants have used the same peer-to-peer network to copy and reproduce the Work—which occurred on different days and times over a span of two months—is insufficient to meet the standards of joinder set forth in Rule 20.”).

1           6.     Verizon further objects to the subpoena to the extent it seeks  
2 information that is protected from disclosure by third parties' rights of privacy and  
3 protections guaranteed by the First Amendment.

4           7.     Verizon further objects to the subpoena to the extent it seeks to impose  
5 on Verizon obligations different from, or greater than, those required by the Federal  
6 Rules of Civil Procedure or applicable Local Rules.

7 Dated:   September 10, 2012

MORRISON & FOERSTER LLP

8  
9 By: 

Giancarlo Urey

Attorneys for  
VERIZON ONLINE LLC

**CERTIFICATE OF SERVICE BY MAIL**  
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 555 West Fifth Street, Los Angeles, California 90013-1024; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

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**OBJECTIONS TO MALIBU MEDIA, LLC.'S  
SUBPOENA TO VERIZON ONLINE LLC**

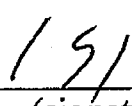
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M. Keith Lipscomb, Esq.  
Lipscomb, Eisenberg & Baker, PL  
2 South Biscayne Boulevard  
Ste. 3800  
Miami, FL 33131

I declare under penalty of perjury that the above is true and correct.

Executed at Los Angeles, California, this 10th day of September, 2012.

Rosa L. Beltran  
(typed)

  
(signature)

**Malibu Media, LLC. v. John Doe 1-20**

**Middle District of Florida**

**Case No. 8:12-cv-01823-JSM-AEP**

1 DEANNE E. MAYNARD  
2 MORRISON & FOERSTER LLP  
2000 Pennsylvania Avenue, NW  
Washington, D.C. 20006-1888  
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5 BENJAMIN J. FOX (CA SBN 193374)  
6 GIANCARLO UREY (CA SBN 267069)  
MORRISON & FOERSTER LLP  
555 West Fifth Street  
7 Los Angeles, California 90013-1024  
Telephone: 213.892.5200  
8 Facsimile: 213.892.5454  
BFox@mofo.com; GUrey@mofo.com

9 Attorneys for  
10 VERIZON ONLINE LLC

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF TEXAS  
13

14 MALIBU MEDIA, LLC,  
15 Plaintiff,  
16 v.  
17 JOHN DOES 1 - 20,  
18 Defendants.  
19

No. 8:12-cv-01823-JSM-AEP

[Action Pending in the Middle  
District of Florida]

**OBJECTIONS TO MALIBU  
MEDIA, LLC'S SUBPOENA TO  
VERIZON ONLINE LLC**

20  
21 TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

22 Verizon Online LLC ("Verizon") responds and objects as follows to the  
23 subpoena for records from Malibu Media, LLC in the above-captioned action:

24 1. Verizon objects to the subpoena on the ground that it constitutes an  
25 abuse of the discovery process because John Does 1 – 20 are improperly joined in  
26 the underlying action.<sup>1</sup>

27 <sup>1</sup> See, e.g., *Media Products, Inc. v. John Does 1-26*, 2012 U.S. Dist. LEXIS  
28 125366, at \*8 (S.D.N.Y. Sept. 4, 2012) (severing and dismissing all claims "against  
(Footnote continues on next page.)

2. Verizon further objects to the subpoena because the list of IP addresses and associated dates in Exhibit A to the Complaint appear to refute any allegation that the subscribers identified were acting in concert, given the time period during which Plaintiff's digital content was allegedly accessed.

3. Verizon further objects to the subpoena on the ground that Plaintiff has made no attempt to establish a prima facie evidentiary showing that personal jurisdiction would exist over John Does 1 – 20.

4. Verizon further objects to the subpoena on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of relevant information and imposes an undue burden on Verizon.

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(Footnote continued from previous page.)

all Doe defendants other than John Doe 1 in each of the [three] cases" while noting that "[t]he defenses . . . vary greatly and turn on different factual and legal questions"); *Bubble Gum Productions, LLC v. Does 1 - 80*, 2012 U.S. Dist. LEXIS 100203, at \*14 (S.D. Fla. July 19, 2012) (holding that joinder is improper, *inter alia*, because "the possibility [of the Doe defendants asserting different defenses] rises about the level of mere speculation"); *K-Beech, Inc. v. Does 1-41*, 2012 U.S. Dist. LEXIS 31803 (S.D. Tex. Mar. 8, 2012 (granting motion to quash and severing Does 2-41 based on misjoinder); *Mick Haig Prods., e.K. v. Does*, 2011 U.S. Dist. LEXIS 128366 (N.D. Tex. Sept. 9, 2011), *aff'd* 2012 U.S. App. LEXIS 14263 (5th Cir. July 12, 2012); *Hard Drive Prods. v. Does*, 2011 U.S. Dist. LEXIS 132449, at \*9 (N.D. Cal. Nov. 16, 2011) (dismissing Does 2-130 and imposing ongoing obligations upon plaintiff and its counsel to demonstrate that the discovery sought of Doe 1 is used for a proper purpose); *First Time Videos LLC v. Doe*, 2011 U.S. Dist. LEXIS 104490, at \*4-10 (N.D. Cal. Sept. 15, 2011) (dismissing Does 2-294 and citing collected cases holding that discovery of mass alleged infringers is improper in this context); *Liberty Media Holdings, LLC v. BitTorrent Swarm*, 2011 U.S. Dist. LEXIS 126333, at \*3-9 (S.D. Fla. Nov. 1, 2011) (the court *sua sponte* found joinder of multiple Doe defendants improper under Fed. R. Civ. P. 20(a) and dismissed the claims against all but a single defendant); *Patrick Collins, Inc. v. Does 1-58*, 2011 U.S. Dist. LEXIS 120235 (E.D. Va. Oct. 13, 2011) ("The mere allegation that the defendants have used the same peer-to-peer network to copy and reproduce the Work—which occurred on different days and times over a span of two months—is insufficient to meet the standards of joinder set forth in Rule 20.").



1           5.     Verizon further objects to the subpoena because Plaintiff has made an  
2 insufficient showing that discovery of the identifying information of John Does 1 -  
3 20 would be used for a proper purpose in the current litigation.

4           6.     Verizon further objects to the subpoena to the extent it seeks  
5 information that is protected from disclosure by third parties' rights of privacy and  
6 protections guaranteed by the First Amendment.

7           7.     Verizon further objects to the subpoena to the extent it seeks to impose  
8 on Verizon obligations different from, or greater than, those required by the Federal  
9 Rules of Civil Procedure or applicable Local Rules.

10 Dated:   September 24, 2012

MORRISON & FOERSTER LLP

11  
12 By: 

13 Giancarlo Urey

14 Attorneys for  
15 VERIZON ONLINE LLC  
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24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE BY MAIL**  
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 555 West Fifth Street, Los Angeles, California 90013-1024; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**OBJECTIONS TO MALIBU MEDIA LLC'S  
SUBPOENA TO VERIZON ONLINE LLC**

on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 555 West Fifth Street, Los Angeles, California 90013-1024, in accordance with Morrison & Foerster's ordinary business practices:

M. Keith Lipscomb, Esq.  
Lipscomb, Eisenberg & Baker, PL  
2 South Biscayne Boulevard  
Ste. 3800  
Miami, FL 33131

I declare under penalty of perjury that the above is true and correct.

Executed at Los Angeles, California, this 24th day of September, 2012.

Rosa L. Beltran  
(typed)

/s/  
(signature)

**Third Degree Films. v. John Doe 1-70**

**Middle District of Florida**

**Case No. 2:12-cv-00522-UA-DNF**

LMF 43

DEANNE E. MAYNARD  
MORRISON & FOERSTER LLP  
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BENJAMIN J. FOX (CA SBN 193374)  
GIANCARLO UREY (CA SBN 267069)  
MORRISON & FOERSTER LLP  
555 West Fifth Street  
Los Angeles, California 90013-1024  
Telephone: 213.892.5200  
Facsimile: 213.892.5454  
BFox@mofo.com; GUrey@mofo.com

Attorneys for  
VERIZON ONLINE LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

THIRD DEGREE FILMS, INC.,  
Plaintiff,  
v.

JOHN DOES 1 - 70,  
Defendants.

No. 2:12-cv-00522-UA-DNF

[Action Pending in the Middle  
District of Florida]

**OBJECTIONS TO THIRD  
DEGREE FILMS, INC.'S  
SUBPOENA TO VERIZON  
ONLINE LLC**

TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

Verizon Online LLC ("Verizon") responds and objects as follows to the subpoena for records from Third Degree Films, Inc. in the above-captioned action:

1. Verizon objects to the subpoena on the ground that it constitutes an abuse of the discovery process because John Does 1 – 70 are improperly joined in the underlying action.<sup>1</sup>

<sup>1</sup> See, e.g., *Media Products, Inc. v. John Does 1-26*, 2012 U.S. Dist. LEXIS 125366, at \*8 (S.D.N.Y. Sept. 4, 2012) (severing and dismissing all claims "against  
(Footnote continues on next page.)

2. Verizon further objects to the subpoena because the list of IP addresses and associated dates in Exhibit A to the Complaint appear to refute any allegation that the subscribers identified were acting in concert, given the time period during which Plaintiff's digital content was allegedly accessed.

3. Verizon further objects to the subpoena on the ground that Plaintiff has made no attempt to establish a prima facie evidentiary showing that personal jurisdiction would exist over John Does 1 – 70.

4. Verizon further objects to the subpoena on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of relevant information and imposes an undue burden on Verizon.

---

(Footnote continued from previous page.)

all Doe defendants other than John Doe 1 in each of the [three] cases" while noting that "[t]he defenses . . . vary greatly and turn on different factual and legal questions"); *Bubble Gum Productions, LLC v. Does 1 - 80*, 2012 U.S. Dist. LEXIS 100203, at \*14 (S.D. Fla. July 19, 2012) (holding that joinder is improper, *inter alia*, because "the possibility [of the Doe defendants asserting different defenses] rises about the level of mere speculation"); *K-Beech, Inc. v. Does 1-41*, 2012 U.S. Dist. LEXIS 31803 (S.D. Tex. Mar. 8, 2012 (granting motion to quash and severing Does 2-41 based on misjoinder); *Mick Haig Prods., e.K. v. Does*, 2011 U.S. Dist. LEXIS 128366 (N.D. Tex. Sept. 9, 2011), *aff'd* 2012 U.S. App. LEXIS 14263 (5th Cir. July 12, 2012); *Hard Drive Prods. v. Does*, 2011 U.S. Dist. LEXIS 132449, at \*9 (N.D. Cal. Nov. 16, 2011) (dismissing Does 2-130 and imposing ongoing obligations upon plaintiff and its counsel to demonstrate that the discovery sought of Doe 1 is used for a proper purpose); *First Time Videos LLC v. Doe*, 2011 U.S. Dist. LEXIS 104490, at \*4-10 (N.D. Cal. Sept. 15, 2011) (dismissing Does 2-294 and citing collected cases holding that discovery of mass alleged infringers is improper in this context); *Liberty Media Holdings, LLC v. BitTorrent Swarm*, 2011 U.S. Dist. LEXIS 126333, at \*3-9 (S.D. Fla. Nov. 1, 2011) (the court *sua sponte* found joinder of multiple Doe defendants improper under Fed. R. Civ. P. 20(a) and dismissed the claims against all but a single defendant); *Patrick Collins, Inc. v. Does 1-58*, 2011 U.S. Dist. LEXIS 120235 (E.D. Va. Oct. 13, 2011) ("The mere allegation that the defendants have used the same peer-to-peer network to copy and reproduce the Work—which occurred on different days and times over a span of two months—is insufficient to meet the standards of joinder set forth in Rule 20.").

1           5.       Verizon further objects to the subpoena because Plaintiff has made an  
2 insufficient showing that discovery of the identifying information of John Does 1 -  
3 70 would be used for a proper purpose in the current litigation.<sup>2</sup>

4           6.       Verizon further objects to the subpoena to the extent it seeks  
5 information that is protected from disclosure by third parties' rights of privacy and  
6 protections guaranteed by the First Amendment.

7           7.       Verizon further objects to the subpoena to the extent it seeks to impose  
8 on Verizon obligations different from, or greater than, those required by the Federal  
9 Rules of Civil Procedure or applicable Local Rules.

10 Dated:   October 24, 2012

MORRISON & FOERSTER LLP

11  
12 By: \_\_\_\_\_

Giancarlo Urey

Attorneys for  
VERIZON ONLINE LLC

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24 \_\_\_\_\_  
25 <sup>2</sup> *Media Products, Inc.*, 2012 U.S. Dist. LEXIS 125366, at \*9 (noting that the  
26 Court is "troubled by the fact that some Doe defendants have already been  
27 voluntarily dismissed at this early stage in the litigation; it suggests as suspected  
28 that the pressure on Doe defendants to settle their case quickly and thereby avoid  
embarrassment and litigation costs—when they may not even have committed any  
infringement—is all too real").

**CERTIFICATE OF SERVICE BY MAIL**  
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 555 West Fifth Street, Los Angeles, California 90013-1024; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**OBJECTIONS TO THIRD DEGREE FILMS, INC.'S  
SUBPOENA TO VERIZON ONLINE LLC**

on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 555 West Fifth Street, Los Angeles, California 90013-1024, in accordance with Morrison & Foerster's ordinary business practices:

M. Keith Lipscomb, Esq.  
Lipscomb, Eisenberg & Baker, PL  
2 South Biscayne Boulevard  
Ste. 3800  
Miami, FL 33131

I declare under penalty of perjury that the above is true and correct.

Executed at Los Angeles, California, this 24th day of October, 2012.

Rosa L. Beltran  
(typed)

  
(signature)

**Malibu Media, LLC. v. John Doe 1- 28**

**Middle District of Florida**

**Case NO. 8:12-cv-01665-VMC-TGW**



1 DEANNE E. MAYNARD  
MORRISON & FOERSTER LLP  
2 2000 Pennsylvania Avenue, NW  
Washington, D.C. 20006-1888  
3 Telephone: (202) 887-1500  
Facsimile: (202) 887-0763  
4 DMaynard@mofo.com

5 BENJAMIN J. FOX (CA SBN 193374)  
GIANCARLO UREY (CA SBN 267069)  
6 MORRISON & FOERSTER LLP  
555 West Fifth Street  
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8 Facsimile: 213.892.5454  
BFox@mofo.com; GUrey@mofo.com

9 Attorneys for  
10 VERIZON ONLINE LLC

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF TEXAS  
13

14 MALIBU MEDIA, LLC,  
15 Plaintiff,  
16 v.

17 JOHN DOES 1 - 26,  
18 Defendants.  
19

No. 8:12-cv-01665-VMC-TGW

[Action Pending in the Middle  
District of Florida]

**OBJECTIONS TO MALIBU  
MEDIA, LLC'S SUBPOENA TO  
VERIZON ONLINE LLC**

20  
21 TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

22 Verizon Online LLC ("Verizon") responds and objects as follows to the  
23 subpoena for records from Malibu Media, LLC in the above-captioned action:

24 1. Verizon objects to the subpoena on the ground that it constitutes an  
25 abuse of the discovery process because John Does 1 – 26 are improperly joined in  
26 the underlying action.<sup>1</sup>

27 <sup>1</sup> See, e.g., *Media Products, Inc. v. John Does 1-26*, 2012 U.S. Dist. LEXIS  
28 125366, at \*8 (S.D.N.Y. Sept. 4, 2012) (severing and dismissing all claims "against  
(Footnote continues on next page.)

2. Verizon further objects to the subpoena because the list of IP addresses and associated dates in Exhibit A to the Complaint appear to refute any allegation that the subscribers identified were acting in concert, given the time period during which Plaintiff's digital content was allegedly accessed.

3. Verizon further objects to the subpoena on the ground that Plaintiff has made no attempt to establish a prima facie evidentiary showing that personal jurisdiction would exist over John Does 1 – 26.

4. Verizon further objects to the subpoena on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of relevant information and imposes an undue burden on Verizon.

---

(Footnote continued from previous page.)

all Doe defendants other than John Doe 1 in each of the [three] cases" while noting that "[t]he defenses . . . vary greatly and turn on different factual and legal questions"); *Bubble Gum Productions, LLC v. Does 1 - 80*, 2012 U.S. Dist. LEXIS 100203, at \*14 (S.D. Fla. July 19, 2012) (holding that joinder is improper, *inter alia*, because "the possibility [of the Doe defendants asserting different defenses] rises about the level of mere speculation"); *K-Beech, Inc. v. Does 1-41*, 2012 U.S. Dist. LEXIS 31803 (S.D. Tex. Mar. 8, 2012 (granting motion to quash and severing Does 2-41 based on misjoinder); *Mick Haig Prods., e.K. v. Does*, 2011 U.S. Dist. LEXIS 128366 (N.D. Tex. Sept. 9, 2011), *aff'd* 2012 U.S. App. LEXIS 14263 (5th Cir. July 12, 2012); *Hard Drive Prods. v. Does*, 2011 U.S. Dist. LEXIS 132449, at \*9 (N.D. Cal. Nov. 16, 2011) (dismissing Does 2-130 and imposing ongoing obligations upon plaintiff and its counsel to demonstrate that the discovery sought of Doe 1 is used for a proper purpose); *First Time Videos LLC v. Doe*, 2011 U.S. Dist. LEXIS 104490, at \*4-10 (N.D. Cal. Sept. 15, 2011) (dismissing Does 2-294 and citing collected cases holding that discovery of mass alleged infringers is improper in this context); *Liberty Media Holdings, LLC v. BitTorrent Swarm*, 2011 U.S. Dist. LEXIS 126333, at \*3-9 (S.D. Fla. Nov. 1, 2011) (the court *sua sponte* found joinder of multiple Doe defendants improper under Fed. R. Civ. P. 20(a) and dismissed the claims against all but a single defendant); *Patrick Collins, Inc. v. Does 1-58*, 2011 U.S. Dist. LEXIS 120235 (E.D. Va. Oct. 13, 2011) ("The mere allegation that the defendants have used the same peer-to-peer network to copy and reproduce the Work—which occurred on different days and times over a span of two months—is insufficient to meet the standards of joinder set forth in Rule 20.").

1           5.     Verizon further objects to the subpoena because Plaintiff has made an  
2 insufficient showing that discovery of the identifying information of John Does 1 -  
3 26 would be used for a proper purpose in the current litigation.<sup>2</sup>

4           6.     Verizon further objects to the subpoena to the extent it seeks  
5 information that is protected from disclosure by third parties' rights of privacy and  
6 protections guaranteed by the First Amendment.

7           7.     Verizon further objects to the subpoena to the extent it seeks to impose  
8 on Verizon obligations different from, or greater than, those required by the Federal  
9 Rules of Civil Procedure or applicable Local Rules.

10     Dated:    October 23, 2012

MORRISON & FOERSTER LLP

11  
12     By: \_\_\_\_\_

Giancarlo Urey

Attorneys for  
VERIZON ONLINE LLC

13  
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24     <sup>2</sup> *Media Products, Inc.*, 2012 U.S. Dist. LEXIS 125366, at \*9 (noting that the  
25 Court is "troubled by the fact that some Doe defendants have already been  
26 voluntarily dismissed at this early stage in the litigation; it suggests as suspected  
27 that the pressure on Doe defendants to settle their case quickly and thereby avoid  
28 embarrassment and litigation costs—when they may not even have committed any  
infringement—is all too real").

**CERTIFICATE OF SERVICE BY MAIL**  
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 555 West Fifth Street, Los Angeles, California 90013-1024; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**OBJECTIONS TO MALIBU MEDIA LLC'S  
SUBPOENA TO VERIZON ONLINE LLC**

on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 555 West Fifth Street, Los Angeles, California 90013-1024, in accordance with Morrison & Foerster's ordinary business practices:

M. Keith Lipscomb, Esq.  
Lipscomb, Eisenberg & Baker, PL  
2 South Biscayne Boulevard  
Ste. 3800  
Miami, FL 33131

I declare under penalty of perjury that the above is true and correct.

Executed at Los Angeles, California, this 23rd day of October, 2012.

\_\_\_\_\_  
Rosa L. Beltran  
(typed)

\_\_\_\_\_  
151  
(signature)

**Malibu Media, LLC. v. John Doe 1- 18**

**Middle District of Florida**

**Case NO. 2:12-cv-00444-UA-DNF**

DEANNE E. MAYNARD  
MORRISON & FOERSTER LLP  
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Washington, D.C. 20006-1888  
Telephone: (202) 887-1500  
Facsimile: (202) 887-0763  
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BENJAMIN J. FOX (CA SBN 193374)  
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BFox@mofo.com; GUrey@mofo.com

Attorneys for  
VERIZON ONLINE LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

MALIBU MEDIA, LLC,  
  
Plaintiff,  
  
v.  
  
JOHN DOES 1 - 18,  
  
Defendants.

No. 2:12-cv-00444-UA-DNF

[Action Pending in the Middle  
District of Florida]

**OBJECTIONS TO MALIBU  
MEDIA, LLC'S SUBPOENA TO  
VERIZON ONLINE LLC**

TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

Verizon Online LLC ("Verizon") responds and objects as follows to the subpoena for records from Malibu Media, LLC in the above-captioned action:

1. Verizon objects to the subpoena on the ground that it constitutes an abuse of the discovery process because John Does 1 – 18 are improperly joined in the underlying action.<sup>1</sup>

<sup>1</sup> See, e.g., *Media Products, Inc. v. John Does 1-26*, 2012 U.S. Dist. LEXIS 125366, at \*8 (S.D.N.Y. Sept. 4, 2012) (severing and dismissing all claims "against  
(Footnote continues on next page.)

2. Verizon further objects to the subpoena because the list of IP addresses and associated dates in Exhibit A to the Complaint appear to refute any allegation that the subscribers identified were acting in concert, given the time period during which Plaintiff's digital content was allegedly accessed.

3. Verizon further objects to the subpoena on the ground that Plaintiff has made no attempt to establish a prima facie evidentiary showing that personal jurisdiction would exist over John Does 1 – 18.

4. Verizon further objects to the subpoena on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of relevant information and imposes an undue burden on Verizon.

---

(Footnote continued from previous page.)

all Doe defendants other than John Doe 1 in each of the [three] cases” while noting that “[t]he defenses . . . vary greatly and turn on different factual and legal questions”); *Bubble Gum Productions, LLC v. Does 1 - 80*, 2012 U.S. Dist. LEXIS 100203, at \*14 (S.D. Fla. July 19, 2012) (holding that joinder is improper, *inter alia*, because “the possibility [of the Doe defendants asserting different defenses] rises about the level of mere speculation”); *K-Beech, Inc. v. Does 1-41*, 2012 U.S. Dist. LEXIS 31803 (S.D. Tex. Mar. 8, 2012 (granting motion to quash and severing Does 2-41 based on misjoinder); *Mick Haig Prods., e.K. v. Does*, 2011 U.S. Dist. LEXIS 128366 (N.D. Tex. Sept. 9, 2011), *aff’d* 2012 U.S. App. LEXIS 14263 (5th Cir. July 12, 2012); *Hard Drive Prods. v. Does*, 2011 U.S. Dist. LEXIS 132449, at \*9 (N.D. Cal. Nov. 16, 2011) (dismissing Does 2-130 and imposing ongoing obligations upon plaintiff and its counsel to demonstrate that the discovery sought of Doe 1 is used for a proper purpose); *First Time Videos LLC v. Doe*, 2011 U.S. Dist. LEXIS 104490, at \*4-10 (N.D. Cal. Sept. 15, 2011) (dismissing Does 2-294 and citing collected cases holding that discovery of mass alleged infringers is improper in this context); *Liberty Media Holdings, LLC v. BitTorrent Swarm*, 2011 U.S. Dist. LEXIS 126333, at \*3-9 (S.D. Fla. Nov. 1, 2011) (the court *sua sponte* found joinder of multiple Doe defendants improper under Fed. R. Civ. P. 20(a) and dismissed the claims against all but a single defendant); *Patrick Collins, Inc. v. Does 1-58*, 2011 U.S. Dist. LEXIS 120235 (E.D. Va. Oct. 13, 2011) (“The mere allegation that the defendants have used the same peer-to-peer network to copy and reproduce the Work—which occurred on different days and times over a span of two months—is insufficient to meet the standards of joinder set forth in Rule 20.”).

1           5.     Verizon further objects to the subpoena because Plaintiff has made an  
2 insufficient showing that discovery of the identifying information of John Does 1 -  
3 18 would be used for a proper purpose in the current litigation.<sup>2</sup>

4           6.     Verizon further objects to the subpoena to the extent it seeks  
5 information that is protected from disclosure by third parties' rights of privacy and  
6 protections guaranteed by the First Amendment.

7           7.     Verizon further objects to the subpoena to the extent it seeks to impose  
8 on Verizon obligations different from, or greater than, those required by the Federal  
9 Rules of Civil Procedure or applicable Local Rules.

10     Dated:   October 24, 2012

MORRISON & FOERSTER LLP

11  
12     By: \_\_\_\_\_

Giancarlo Urey

Attorneys for  
VERIZON ONLINE LLC

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24     <sup>2</sup> *Media Products, Inc.*, 2012 U.S. Dist. LEXIS 125366, at \*9 (noting that the  
25 Court is "troubled by the fact that some Doe defendants have already been  
26 voluntarily dismissed at this early stage in the litigation; it suggests as suspected  
27 that the pressure on Doe defendants to settle their case quickly and thereby avoid  
28 embarrassment and litigation costs—when they may not even have committed any  
infringement—is all too real").



**CERTIFICATE OF SERVICE BY MAIL**  
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 555 West Fifth Street, Los Angeles, California 90013-1024; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**OBJECTIONS TO MALIBU MEDIA LLC'S  
SUBPOENA TO VERIZON ONLINE LLC**

on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 555 West Fifth Street, Los Angeles, California 90013-1024, in accordance with Morrison & Foerster's ordinary business practices:

M. Keith Lipscomb, Esq.  
Lipscomb, Eisenberg & Baker, PL  
2 South Biscayne Boulevard  
Ste. 3800  
Miami, FL 33131

I declare under penalty of perjury that the above is true and correct.

Executed at Los Angeles, California, this 24rd day of October, 2012.

Rosa L. Beltran  
(typed)

  
(signature)

**Patrick Collins, inc. v. John Doe 1-47**

**District of New Jersey**

**Case No. 2:12-cv-03906-SRC-CLW**

DEANNE E. MAYNARD  
MORRISON & FOERSTER LLP  
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Telephone: (202) 887-1500  
Facsimile: (202) 887-0763  
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BENJAMIN J. FOX (CA SBN 193374)  
GIANCARLO UREY (CA SBN 267069)  
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BFox@mofo.com; GUrey@mofo.com

Attorneys for  
VERIZON ONLINE LLC

*received*  
*9-10-12*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

PATRICK COLLINS, INC.,

Plaintiff,

v.

JOHN DOES 1 - 47,

Defendants.

No. 2:12-cv-03906-SRC-CLW

[Action Pending in the District of  
New Jersey]

**OBJECTIONS TO PATRICK  
COLLINS, INC.'S SUBPOENA  
TO VERIZON ONLINE LLC**

TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

Verizon Online LLC ("Verizon") responds and objects as follows to the subpoena for records from Patrick Collins, Inc. in the above-captioned action:

1. Verizon objects to the subpoena on the ground that it constitutes an abuse of the discovery process because John Does 1 - 47 have not been properly joined in the underlying action.<sup>1</sup>

<sup>1</sup> See, e.g., *Bubble Gum Productions, LLC v. Does 1 - 80*, 2012 U.S. Dist. LEXIS 100203, at \*14 (S.D. Fla. July 19, 2012) (holding that joinder is improper, (Footnote continues on next page.)

2. Verizon further objects to the subpoena because the list of IP addresses and associated dates in Exhibit A to the Complaint appear to refute any allegation that the subscribers identified were acting in concert, given the time period during which Plaintiff's digital content was allegedly accessed.

3. Verizon further objects to the subpoena on the ground that Plaintiff has made no attempt to establish a prima facie evidentiary showing that personal jurisdiction would exist over John Does 1 – 47.

4. Verizon further objects to the subpoena on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of relevant information and imposes an undue burden on Verizon.

5. Verizon further objects to the subpoena because Plaintiff has made an insufficient showing that discovery of the identifying information of John Does 1 - 47 would be used for a proper purpose in the current litigation.

---

(Footnote continued from previous page.)

*inter alia*, because “the possibility [of the Doe defendants asserting different defenses] rises about the level of mere speculation”); *K-Beech, Inc. v. Does 1-41*, 2012 U.S. Dist. LEXIS 31803 (S.D. Tex. Mar. 8, 2012 (granting motion to quash and severing Does 2-41 based on misjoinder); *Mick Haig Prods., e.K. v. Does*, 2011 U.S. Dist. LEXIS 128366 (N.D. Tex. Sept. 9, 2011), *aff'd* 2012 U.S. App. LEXIS 14263 (5th Cir. July 12, 2012); *Hard Drive Prods. v. Does*, 2011 U.S. Dist. LEXIS 132449, at \*9 (N.D. Cal. Nov. 16, 2011) (dismissing Does 2-130 and imposing ongoing obligations upon plaintiff and its counsel to demonstrate that the discovery sought of Doe 1 is used for a proper purpose); *First Time Videos LLC v. Doe*, 2011 U.S. Dist. LEXIS 104490, at \*4-10 (N.D. Cal. Sept. 15, 2011) (dismissing Does 2-294 and citing collected cases holding that discovery of mass alleged infringers is improper in this context); *Liberty Media Holdings, LLC v. BitTorrent Swarm*, 2011 U.S. Dist. LEXIS 126333, at \*3-9 (S.D. Fla. Nov. 1, 2011) (the court *sua sponte* found joinder of multiple Doe defendants improper under Fed. R. Civ. P. 20(a) and dismissed the claims against all but a single defendant); *Patrick Collins, Inc. v. Does 1-58*, 2011 U.S. Dist. LEXIS 120235 (E.D. Va. Oct. 13, 2011) (“The mere allegation that the defendants have used the same peer-to-peer network to copy and reproduce the Work—which occurred on different days and times over a span of two months—is insufficient to meet the standards of joinder set forth in Rule 20.”).

1           6.     Verizon further objects to the subpoena to the extent it seeks  
2 information that is protected from disclosure by third parties' rights of privacy and  
3 protections guaranteed by the First Amendment.

4           7.     Verizon further objects to the subpoena to the extent it seeks to impose  
5 on Verizon obligations different from, or greater than, those required by the Federal  
6 Rules of Civil Procedure or applicable Local Rules.

7 Dated:   September 7, 2012

MORRISON & FOERSTER LLP

8  
9 By: 

10           Giancarlo Urey

11           Attorneys for  
12           VERIZON ONLINE LLC  
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28

**CERTIFICATE OF SERVICE BY MAIL**  
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 555 West Fifth Street, Los Angeles, California 90013-1024; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**OBJECTIONS TO PATRICK COLLINS, INC.'S  
SUBPOENA TO VERIZON ONLINE LLC**

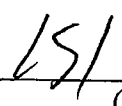
on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 555 West Fifth Street, Los Angeles, California 90013-1024, in accordance with Morrison & Foerster's ordinary business practices:

Patrick J. Cerillo, Esq.  
Patrick J. Cerillo, LLC  
4 Walter Foran Boulevard  
Suite 402  
Flemington, NJ 08822

I declare under penalty of perjury that the above is true and correct.

Executed at Los Angeles, California, this 7th day of September, 2012.

Rosa L. Beltran  
(typed)

  
(signature)

**Patrick Collins, inc. v. John Doe 1-44**

**District of New Jersey**

**Case No. 2:12-cv-03907-ES-CLW**

1 DEANNE E. MAYNARD  
2 MORRISON & FOERSTER LLP  
2000 Pennsylvania Avenue, NW  
Washington, D.C. 20006-1888  
3 Telephone: (202) 887-1500  
Facsimile: (202) 887-0763  
4 DMaynard@mofo.com

received 9-7-12

Page 9

5 BENJAMIN J. FOX (CA SBN 193374)  
6 GIANCARLO UREY (CA SBN 267069)  
MORRISON & FOERSTER LLP  
555 West Fifth Street  
7 Los Angeles, California 90013-1024  
Telephone: 213.892.5200  
8 Facsimile: 213.892.5454  
BFox@mofo.com; GUrey@mofo.com

9 Attorneys for  
10 VERIZON ONLINE LLC

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF TEXAS  
13

14 PATRICK COLLINS, INC.,

15 Plaintiff,

16 v.

17 JOHN DOES 1 - 44,

18 Defendants.  
19

No. 2:12-cv-03907-ES-CLW

[Action Pending in the District of  
New Jersey]

**OBJECTIONS TO PATRICK  
COLLINS, INC.'S SUBPOENA  
TO VERIZON ONLINE LLC**

20  
21 TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

22 Verizon Online LLC ("Verizon") responds and objects as follows to the  
23 subpoena for records from Patrick Collins, Inc. in the above-captioned action:

24 1. Verizon objects to the subpoena on the ground that it constitutes an  
25 abuse of the discovery process because John Does 1 - 44 have not been properly  
26 joined in the underlying action.<sup>1</sup>

27 <sup>1</sup> See, e.g., *Bubble Gum Productions, LLC v. Does 1 - 80*, 2012 U.S. Dist.  
28 LEXIS 100203, at \*14 (S.D. Fla. July 19, 2012) (holding that joinder is improper,  
(Footnote continues on next page.)



2. Verizon further objects to the subpoena because the list of IP addresses and associated dates in Exhibit A to the Complaint appear to refute any allegation that the subscribers identified were acting in concert, given the time period during which Plaintiff's digital content was allegedly accessed.

3. Verizon further objects to the subpoena on the ground that Plaintiff has made no attempt to establish a prima facie evidentiary showing that personal jurisdiction would exist over John Does 1 – 44.

4. Verizon further objects to the subpoena on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of relevant information and imposes an undue burden on Verizon.

5. Verizon further objects to the subpoena because Plaintiff has made an insufficient showing that discovery of the identifying information of John Does 1 - 44 would be used for a proper purpose in the current litigation.

---

(Footnote continued from previous page.)

*inter alia*, because “the possibility [of the Doe defendants asserting different defenses] rises about the level of mere speculation”); *K-Beech, Inc. v. Does 1-41*, 2012 U.S. Dist. LEXIS 31803 (S.D. Tex. Mar. 8, 2012 (granting motion to quash and severing Does 2-41 based on misjoinder); *Mick Haig Prods., e.K. v. Does*, 2011 U.S. Dist. LEXIS 128366 (N.D. Tex. Sept. 9, 2011), *aff'd* 2012 U.S. App. LEXIS 14263 (5th Cir. July 12, 2012); *Hard Drive Prods. v. Does*, 2011 U.S. Dist. LEXIS 132449, at \*9 (N.D. Cal. Nov. 16, 2011) (dismissing Does 2-130 and imposing ongoing obligations upon plaintiff and its counsel to demonstrate that the discovery sought of Doe 1 is used for a proper purpose); *First Time Videos LLC v. Doe*, 2011 U.S. Dist. LEXIS 104490, at \*4-10 (N.D. Cal. Sept. 15, 2011) (dismissing Does 2-294 and citing collected cases holding that discovery of mass alleged infringers is improper in this context); *Liberty Media Holdings, LLC v. BitTorrent Swarm*, 2011 U.S. Dist. LEXIS 126333, at \*3-9 (S.D. Fla. Nov. 1, 2011) (the court *sua sponte* found joinder of multiple Doe defendants improper under Fed. R. Civ. P. 20(a) and dismissed the claims against all but a single defendant); *Patrick Collins, Inc. v. Does 1-58*, 2011 U.S. Dist. LEXIS 120235 (E.D. Va. Oct. 13, 2011) (“The mere allegation that the defendants have used the same peer-to-peer network to copy and reproduce the Work—which occurred on different days and times over a span of two months—is insufficient to meet the standards of joinder set forth in Rule 20.”).

1           6.     Verizon further objects to the subpoena to the extent it seeks  
2 information that is protected from disclosure by third parties' rights of privacy and  
3 protections guaranteed by the First Amendment.

4           7.     Verizon further objects to the subpoena to the extent it seeks to impose  
5 on Verizon obligations different from, or greater than, those required by the Federal  
6 Rules of Civil Procedure or applicable Local Rules.

7     Dated:   August 31, 2012

MORRISON & FOERSTER LLP

8  
9     By: \_\_\_\_\_

Giancarlo Urey

Attorneys for  
VERIZON ONLINE LLC

**CERTIFICATE OF SERVICE BY MAIL**  
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 555 West Fifth Street, Los Angeles, California 90013-1024; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**OBJECTIONS TO PATRICK COLLINS, INC.'S  
SUBPOENA TO VERIZON ONLINE LLC**

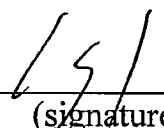
on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 555 West Fifth Street, Los Angeles, California 90013-1024, in accordance with Morrison & Foerster's ordinary business practices:

Patrick J. Cerillo, Esq.  
Patrick J. Cerillo, LLC  
4 Walter Foran Boulevard, Suite 402  
Flemington, NJ 08822

I declare under penalty of perjury that the above is true and correct.

Executed at Los Angeles, California, this 31st day of August, 2012.

\_\_\_\_\_  
Rosa L. Beltran  
(typed)

\_\_\_\_\_  
  
(signature)

**Patrick Collins, inc. v. John Doe 1-41**

**District of New Jersey**

**Case No. 3:12-cv-04695-JAP-DEA**

1 DEANNE E. MAYNARD  
2 MORRISON & FOERSTER LLP  
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3 Telephone: (202) 887-1500  
4 Facsimile: (202) 887-0763  
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5 BENJAMIN J. FOX (CA SBN 193374)  
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BFox@mofo.com; GUrey@mofo.com

9 Attorneys for  
10 VERIZON ONLINE LLC

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF TEXAS  
13

14 PATRICK COLLINS, INC.,  
15 Plaintiff,  
16 v.  
17 JOHN DOES 1 - 41,  
18 Defendants.  
19

No. 3:12-cv-04695-JAP-DEA

[Action Pending in the Northern  
District of New Jersey]

**OBJECTIONS TO PATRICK  
COLLINS, INC.'S SUBPOENA  
TO VERIZON ONLINE LLC**

20  
21 TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

22 Verizon Online LLC ("Verizon") responds and objects as follows to the  
23 subpoena for records from Patrick Collins, Inc. in the above-captioned action:

24 1. Verizon objects to the subpoena on the ground that it constitutes an  
25 abuse of the discovery process because John Does 1 – 41 are improperly joined in  
26 the underlying action.<sup>1</sup>

27 <sup>1</sup> See, e.g., *Bubble Gum Productions, LLC v. Does 1 - 80*, 2012 U.S. Dist.  
28 LEXIS 100203, at \*14 (S.D. Fla. July 19, 2012) (holding that joinder is improper,  
(Footnote continues on next page.)

1           2.     Verizon further objects to the subpoena because the list of IP addresses  
2 and associated dates in Exhibit A to the Complaint appear to refute any allegation  
3 that the subscribers identified were acting in concert, given the time period during  
4 which Plaintiff's digital content was allegedly accessed.

5           3.     Verizon further objects to the subpoena on the ground that Plaintiff has  
6 made no attempt to establish a prima facie evidentiary showing that personal  
7 jurisdiction would exist over John Does 1 – 41.

8           4.     Verizon further objects to the subpoena on the ground that it seeks  
9 information that is neither relevant nor reasonably calculated to lead to the  
10 discovery of relevant information and imposes an undue burden on Verizon.

11          5.     Verizon further objects to the subpoena because Plaintiff has made an  
12 insufficient showing that discovery of the identifying information of John Does 1 -  
13 41 would be used for a proper purpose in the current litigation.

14  
15  
16 (Footnote continued from previous page.)

17 *inter alia*, because “the possibility [of the Doe defendants asserting different  
18 defenses] rises about the level of mere speculation”); *K-Beech, Inc. v. Does 1-41*,  
2012 U.S. Dist. LEXIS 31803 (S.D. Tex. Mar. 8, 2012 (granting motion to quash  
19 and severing Does 2-41 based on misjoinder); *Mick Haig Prods., e.K. v. Does*, 2011  
20 U.S. Dist. LEXIS 128366 (N.D. Tex. Sept. 9, 2011), *aff'd* 2012 U.S. App. LEXIS  
14263 (5th Cir. July 12, 2012); *Hard Drive Prods. v. Does*, 2011 U.S. Dist. LEXIS  
132449, at \*9 (N.D. Cal. Nov. 16, 2011) (dismissing Does 2-130 and imposing  
21 ongoing obligations upon plaintiff and its counsel to demonstrate that the discovery  
sought of Doe 1 is used for a proper purpose); *First Time Videos LLC v. Doe*, 2011  
22 U.S. Dist. LEXIS 104490, at \*4-10 (N.D. Cal. Sept. 15, 2011) (dismissing Does 2-  
23 294 and citing collected cases holding that discovery of mass alleged infringers is  
improper in this context); *Liberty Media Holdings, LLC v. BitTorrent Swarm*, 2011  
24 U.S. Dist. LEXIS 126333, at \*3-9 (S.D. Fla. Nov. 1, 2011) (the court *sua sponte*  
found joinder of multiple Doe defendants improper under Fed. R. Civ. P. 20(a) and  
25 dismissed the claims against all but a single defendant); *Patrick Collins, Inc. v.*  
26 *Does 1-58*, 2011 U.S. Dist. LEXIS 120235 (E.D. Va. Oct. 13, 2011) (“The mere  
27 allegation that the defendants have used the same peer-to-peer network to copy and  
28 reproduce the Work— which occurred on different days and times over a span of  
two months—is insufficient to meet the standards of joinder set forth in Rule 20.”).

1           6.     Verizon further objects to the subpoena to the extent it seeks  
2 information that is protected from disclosure by third parties' rights of privacy and  
3 protections guaranteed by the First Amendment.

4           7.     Verizon further objects to the subpoena to the extent it seeks to impose  
5 on Verizon obligations different from, or greater than, those required by the Federal  
6 Rules of Civil Procedure or applicable Local Rules.

7 Dated:   September 19, 2012

MORRISON & FOERSTER LLP

8  
9 By: 

Giancarlo Urey

Attorneys for  
VERIZON ONLINE LLC

**CERTIFICATE OF SERVICE BY MAIL**  
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 555 West Fifth Street, Los Angeles, California 90013-1024; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**OBJECTIONS TO PATRICK COLLINS, INC.'S  
SUBPOENA TO VERIZON ONLINE LLC**

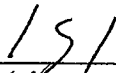
on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 555 West Fifth Street, Los Angeles, California 90013-1024, in accordance with Morrison & Foerster's ordinary business practices:

Patrick J. Cerillo, Esq.  
Patrick J. Cerillo, LLC  
4 Walter Foran Boulevard  
Suite 402  
Flemington, NJ 08822

I declare under penalty of perjury that the above is true and correct.

Executed at Los Angeles, California, this 19th day of September, 2012.

Rosa L. Beltran  
(typed)

  
(signature)



**Patrick Collins, inc. v. John Doe 1-17**

**District of New Jersey**

**Case No. 2:12-cv-05171-SDW-MCA**

1 DEANNE E. MAYNARD  
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3 Telephone: (202) 887-1500  
Facsimile: (202) 887-0763  
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5 BENJAMIN J. FOX (CA SBN 193374)  
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MORRISON & FOERSTER LLP  
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7 Los Angeles, California 90013-1024  
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BFox@mofo.com; GUrey@mofo.com

9 Attorneys for  
10 VERIZON ONLINE LLC

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF TEXAS  
13

14 PATRICK COLLINS, INC.,

15 Plaintiff,

16 v.

17 JOHN DOES 1 - 17,

18 Defendants.  
19

No. 2:12-cv-05171-SDW-MCA

[Action Pending in the District of  
New Jersey]

**OBJECTIONS TO PATRICK  
COLLINS, INC.'S SUBPOENA  
TO VERIZON ONLINE LLC**

20  
21 TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

22 Verizon Online LLC ("Verizon") responds and objects as follows to the  
23 subpoena for records from Patrick Collins, Inc. in the above-captioned action:

24 1. Verizon objects to the subpoena on the ground that it constitutes an  
25 abuse of the discovery process because John Does 1 – 17 are improperly joined in  
26 the underlying action.<sup>1</sup>

27 <sup>1</sup> See, e.g., *Media Products, Inc. v. John Does 1-26*, 2012 U.S. Dist. LEXIS  
28 125366, at \*8 (S.D.N.Y. Sept. 4, 2012) (severing and dismissing all claims "against  
(Footnote continues on next page.)

2. Verizon further objects to the subpoena because the list of IP addresses and associated dates in Exhibit A to the Complaint appear to refute any allegation that the subscribers identified were acting in concert, given the time period during which Plaintiff's digital content was allegedly accessed.

3. Verizon further objects to the subpoena on the ground that Plaintiff has made no attempt to establish a prima facie evidentiary showing that personal jurisdiction would exist over John Does 1 – 17.

4. Verizon further objects to the subpoena on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of relevant information and imposes an undue burden on Verizon.

---

(Footnote continued from previous page.)

all Doe defendants other than John Doe 1 in each of the [three] cases" while noting that "[t]he defenses . . . vary greatly and turn on different factual and legal questions"); *Bubble Gum Productions, LLC v. Does 1 - 80*, 2012 U.S. Dist. LEXIS 100203, at \*14 (S.D. Fla. July 19, 2012) (holding that joinder is improper, *inter alia*, because "the possibility [of the Doe defendants asserting different defenses] rises about the level of mere speculation"); *K-Beech, Inc. v. Does 1-41*, 2012 U.S. Dist. LEXIS 31803 (S.D. Tex. Mar. 8, 2012 (granting motion to quash and severing Does 2-41 based on misjoinder); *Mick Haig Prods., e.K. v. Does*, 2011 U.S. Dist. LEXIS 128366 (N.D. Tex. Sept. 9, 2011), *aff'd* 2012 U.S. App. LEXIS 14263 (5th Cir. July 12, 2012); *Hard Drive Prods. v. Does*, 2011 U.S. Dist. LEXIS 132449, at \*9 (N.D. Cal. Nov. 16, 2011) (dismissing Does 2-130 and imposing ongoing obligations upon plaintiff and its counsel to demonstrate that the discovery sought of Doe 1 is used for a proper purpose); *First Time Videos LLC v. Doe*, 2011 U.S. Dist. LEXIS 104490, at \*4-10 (N.D. Cal. Sept. 15, 2011) (dismissing Does 2-294 and citing collected cases holding that discovery of mass alleged infringers is improper in this context); *Liberty Media Holdings, LLC v. BitTorrent Swarm*, 2011 U.S. Dist. LEXIS 126333, at \*3-9 (S.D. Fla. Nov. 1, 2011) (the court *sua sponte* found joinder of multiple Doe defendants improper under Fed. R. Civ. P. 20(a) and dismissed the claims against all but a single defendant); *Patrick Collins, Inc. v. Does 1-58*, 2011 U.S. Dist. LEXIS 120235 (E.D. Va. Oct. 13, 2011) ("The mere allegation that the defendants have used the same peer-to-peer network to copy and reproduce the Work— which occurred on different days and times over a span of two months—is insufficient to meet the standards of joinder set forth in Rule 20.").

1           5.     Verizon further objects to the subpoena because Plaintiff has made an  
2 insufficient showing that discovery of the identifying information of John Does 1 -  
3 17 would be used for a proper purpose in the current litigation.<sup>2</sup>

4           6.     Verizon further objects to the subpoena to the extent it seeks  
5 information that is protected from disclosure by third parties' rights of privacy and  
6 protections guaranteed by the First Amendment.

7           7.     Verizon further objects to the subpoena to the extent it seeks to impose  
8 on Verizon obligations different from, or greater than, those required by the Federal  
9 Rules of Civil Procedure or applicable Local Rules.

10    Dated:   October 10, 2012

MORRISON & FOERSTER LLP

11  
12    By: \_\_\_\_\_

Giancarlo Urey

13  
14               Attorneys for  
15               VERIZON ONLINE LLC  
16  
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22  
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24               

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25               <sup>2</sup> *Media Products, Inc.*, 2012 U.S. Dist. LEXIS 125366, at \*9 (noting that the  
26 Court is "troubled by the fact that some Doe defendants have already been  
27 voluntarily dismissed at this early stage in the litigation; it suggests as suspected  
28 that the pressure on Doe defendants to settle their case quickly and thereby avoid  
embarrassment and litigation costs—when they may not even have committed any  
infringement—is all too real").

**CERTIFICATE OF SERVICE BY MAIL**  
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 555 West Fifth Street, Los Angeles, California 90013-1024; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**OBJECTIONS TO PATRICK COLLINS, INC.'S  
SUBPOENA TO VERIZON ONLINE LLC**

on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 555 West Fifth Street, Los Angeles, California 90013-1024, in accordance with Morrison & Foerster's ordinary business practices:

Patrick J. Cerillo, Esq.  
Patrick J. Cerillo, LLC  
4 Walter Foran Boulevard, Suite 402  
Flemington, NJ 08822

I declare under penalty of perjury that the above is true and correct.

Executed at Los Angeles, California, this 10th day of October, 2012.

\_\_\_\_\_  
Rosa L. Beltran  
(typed)

\_\_\_\_\_  
151  
(signature)

**Patrick Collins, inc. v. John Doe 1-50**

**District of New Jersey**

**Case No. 2:12-cv-05815-FSH-PS**

DEANNE E. MAYNARD  
MORRISON & FOERSTER LLP  
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Washington, D.C. 20006-1888  
Telephone: (202) 887-1500  
Facsimile: (202) 887-0763  
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BENJAMIN J. FOX (CA SBN 193374)  
GIANCARLO UREY (CA SBN 267069)  
MORRISON & FOERSTER LLP  
555 West Fifth Street  
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Telephone: 213.892.5200  
Facsimile: 213.892.5454  
BFox@mofo.com; GUrey@mofo.com

Attorneys for  
VERIZON ONLINE LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

PATRICK COLLINS, INC.,

Plaintiff,

v.

JOHN DOES 1 - 50,

Defendants.

No. 2:12-cv-05815-FSH-PS

[Action Pending in the District of  
New Jersey]

**OBJECTIONS TO PATRICK  
COLLINS, INC.'S SUBPOENA  
TO VERIZON ONLINE LLC**

TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

Verizon Online LLC ("Verizon") responds and objects as follows to the subpoena for records from Patrick Collins, Inc. in the above-captioned action:

1. Verizon objects to the subpoena on the ground that it constitutes an abuse of the discovery process because John Does 1 – 50 are improperly joined in the underlying action.<sup>1</sup>

<sup>1</sup> See, e.g., *Media Products, Inc. v. John Does 1-26*, 2012 U.S. Dist. LEXIS 125366, at \*8 (S.D.N.Y. Sept. 4, 2012) (severing and dismissing all claims "against

(Footnote continues on next page.)

2. Verizon further objects to the subpoena because the list of IP addresses and associated dates in Exhibit A to the Complaint appear to refute any allegation that the subscribers identified were acting in concert, given the time period during which Plaintiff's digital content was allegedly accessed.

3. Verizon further objects to the subpoena on the ground that Plaintiff has made no attempt to establish a prima facie evidentiary showing that personal jurisdiction would exist over John Does 1 – 50.

4. Verizon further objects to the subpoena on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of relevant information and imposes an undue burden on Verizon.

---

(Footnote continued from previous page.)

all Doe defendants other than John Doe 1 in each of the [three] cases" while noting that "[t]he defenses . . . vary greatly and turn on different factual and legal questions"); *Bubble Gum Productions, LLC v. Does 1 - 80*, 2012 U.S. Dist. LEXIS 100203, at \*14 (S.D. Fla. July 19, 2012) (holding that joinder is improper, *inter alia*, because "the possibility [of the Doe defendants asserting different defenses] rises about the level of mere speculation"); *K-Beech, Inc. v. Does 1-41*, 2012 U.S. Dist. LEXIS 31803 (S.D. Tex. Mar. 8, 2012 (granting motion to quash and severing Does 2-41 based on misjoinder); *Mick Haig Prods., e.K. v. Does*, 2011 U.S. Dist. LEXIS 128366 (N.D. Tex. Sept. 9, 2011), *aff'd* 2012 U.S. App. LEXIS 14263 (5th Cir. July 12, 2012); *Hard Drive Prods. v. Does*, 2011 U.S. Dist. LEXIS 132449, at \*9 (N.D. Cal. Nov. 16, 2011) (dismissing Does 2-130 and imposing ongoing obligations upon plaintiff and its counsel to demonstrate that the discovery sought of Doe 1 is used for a proper purpose); *First Time Videos LLC v. Doe*, 2011 U.S. Dist. LEXIS 104490, at \*4-10 (N.D. Cal. Sept. 15, 2011) (dismissing Does 2-294 and citing collected cases holding that discovery of mass alleged infringers is improper in this context); *Liberty Media Holdings, LLC v. BitTorrent Swarm*, 2011 U.S. Dist. LEXIS 126333, at \*3-9 (S.D. Fla. Nov. 1, 2011) (the court *sua sponte* found joinder of multiple Doe defendants improper under Fed. R. Civ. P. 20(a) and dismissed the claims against all but a single defendant); *Patrick Collins, Inc. v. Does 1-58*, 2011 U.S. Dist. LEXIS 120235 (E.D. Va. Oct. 13, 2011) ("The mere allegation that the defendants have used the same peer-to-peer network to copy and reproduce the Work—which occurred on different days and times over a span of two months—is insufficient to meet the standards of joinder set forth in Rule 20.").



1           5.     Verizon further objects to the subpoena because Plaintiff has made an  
2 insufficient showing that discovery of the identifying information of John Does 1 -  
3 50 would be used for a proper purpose in the current litigation.<sup>2</sup>

4           6.     Verizon further objects to the subpoena to the extent it seeks  
5 information that is protected from disclosure by third parties' rights of privacy and  
6 protections guaranteed by the First Amendment.

7           7.     Verizon further objects to the subpoena to the extent it seeks to impose  
8 on Verizon obligations different from, or greater than, those required by the Federal  
9 Rules of Civil Procedure or applicable Local Rules.

10       Dated:   October 24, 2012

MORRISON & FOERSTER LLP

11  
12       By: \_\_\_\_\_

Giancarlo Urey

Attorneys for  
VERIZON ONLINE LLC

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24       <sup>2</sup> *Media Products, Inc.*, 2012 U.S. Dist. LEXIS 125366, at \*9 (noting that the  
25 Court is "troubled by the fact that some Doe defendants have already been  
26 voluntarily dismissed at this early stage in the litigation; it suggests as suspected  
27 that the pressure on Doe defendants to settle their case quickly and thereby avoid  
28 embarrassment and litigation costs—when they may not even have committed any  
infringement—is all too real").

**CERTIFICATE OF SERVICE BY MAIL**  
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 555 West Fifth Street, Los Angeles, California 90013-1024; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**OBJECTIONS TO PATRICK COLLINS, INC.'S  
SUBPOENA TO VERIZON ONLINE LLC**

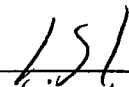
on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 555 West Fifth Street, Los Angeles, California 90013-1024, in accordance with Morrison & Foerster's ordinary business practices:

Patrick J. Cerillo, Esq.  
Patrick J. Cerillo, LLC  
4 Walter Foran Boulevard, Suite 402  
Flemington, NJ 08822

I declare under penalty of perjury that the above is true and correct.

Executed at Los Angeles, California, this 24th day of October, 2012.

Rosa L. Beltran  
(typed)

  
(signature)

**Malibu Media, LLC. v. John Doe 1-22**

**District of New Jersey**

**Case No. 3:12-cv-03898-MAS-LHG**

1 DEANNE E. MAYNARD  
2 MORRISON & FOERSTER LLP  
3 2000 Pennsylvania Avenue, NW  
4 Washington, D.C. 20006-1888  
5 Telephone: (202) 887-1500  
6 Facsimile: (202) 887-0763  
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8 BENJAMIN J. FOX (CA SBN 193374)  
9 GIANCARLO UREY (CA SBN 267069)  
10 MORRISON & FOERSTER LLP  
11 555 West Fifth Street  
12 Los Angeles, California 90013-1024  
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14 Facsimile: 213.892.5454  
15 BFox@mofo.com; GUrey@mofo.com

16 Attorneys for  
17 VERIZON ONLINE LLC

18 UNITED STATES DISTRICT COURT  
19 NORTHERN DISTRICT OF TEXAS

20 MALIBU MEDIA, LLC,  
21  
22 Plaintiff,  
23  
24 v.  
25 JOHN DOES 1 - 22,  
26  
27 Defendants.

No. 3:12-cv-03898-MAS-LHG

[Action Pending in the Northern  
District of New Jersey]

**OBJECTIONS TO MALIBU  
MEDIA, LLC'S SUBPOENA TO  
VERIZON ONLINE LLC**

28 TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

Verizon Online LLC ("Verizon") responds and objects as follows to the subpoena for records from Malibu Media, LLC in the above-captioned action:

1. Verizon objects to the subpoena on the ground that it constitutes an abuse of the discovery process because John Does 1 – 22 are improperly joined in the underlying action.<sup>1</sup>

<sup>1</sup> See, e.g., *Bubble Gum Productions, LLC v. Does 1 - 80*, 2012 U.S. Dist. LEXIS 100203, at \*14 (S.D. Fla. July 19, 2012) (holding that joinder is improper, (Footnote continues on next page.)

1           2.     Verizon further objects to the subpoena because the list of IP addresses  
2 and associated dates in Exhibit A to the Complaint appear to refute any allegation  
3 that the subscribers identified were acting in concert, given the time period during  
4 which Plaintiff's digital content was allegedly accessed.

5           3.     Verizon further objects to the subpoena on the ground that Plaintiff has  
6 made no attempt to establish a prima facie evidentiary showing that personal  
7 jurisdiction would exist over John Does 1 – 22.

8           4.     Verizon further objects to the subpoena on the ground that it seeks  
9 information that is neither relevant nor reasonably calculated to lead to the  
10 discovery of relevant information and imposes an undue burden on Verizon.

11          5.     Verizon further objects to the subpoena because Plaintiff has made an  
12 insufficient showing that discovery of the identifying information of John Does 1 -  
13 22 would be used for a proper purpose in the current litigation.

14  
15  
16 (Footnote continued from previous page.)

17 *inter alia*, because “the possibility [of the Doe defendants asserting different  
18 defenses] rises about the level of mere speculation”); *K-Beech, Inc. v. Does 1-41*,  
19 2012 U.S. Dist. LEXIS 31803 (S.D. Tex. Mar. 8, 2012 (granting motion to quash  
20 and severing Does 2-41 based on misjoinder); *Mick Haig Prods., e.K. v. Does*, 2011  
21 U.S. Dist. LEXIS 128366 (N.D. Tex. Sept. 9, 2011), *aff'd* 2012 U.S. App. LEXIS  
22 14263 (5th Cir. July 12, 2012); *Hard Drive Prods. v. Does*, 2011 U.S. Dist. LEXIS  
23 132449, at \*9 (N.D. Cal. Nov. 16, 2011) (dismissing Does 2-130 and imposing  
24 ongoing obligations upon plaintiff and its counsel to demonstrate that the discovery  
25 sought of Doe 1 is used for a proper purpose); *First Time Videos LLC v. Doe*, 2011  
26 U.S. Dist. LEXIS 104490, at \*4-10 (N.D. Cal. Sept. 15, 2011) (dismissing Does 2-  
27 294 and citing collected cases holding that discovery of mass alleged infringers is  
28 improper in this context); *Liberty Media Holdings, LLC v. BitTorrent Swarm*, 2011  
U.S. Dist. LEXIS 126333, at \*3-9 (S.D. Fla. Nov. 1, 2011) (the court *sua sponte*  
found joinder of multiple Doe defendants improper under Fed. R. Civ. P. 20(a) and  
dismissed the claims against all but a single defendant); *Patrick Collins, Inc. v.*  
*Does 1-58*, 2011 U.S. Dist. LEXIS 120235 (E.D. Va. Oct. 13, 2011) (“The mere  
allegation that the defendants have used the same peer-to-peer network to copy and  
reproduce the Work— which occurred on different days and times over a span of  
two months—is insufficient to meet the standards of joinder set forth in Rule 20.”).

1           6.     Verizon further objects to the subpoena to the extent it seeks  
2 information that is protected from disclosure by third parties' rights of privacy and  
3 protections guaranteed by the First Amendment.

4           7.     Verizon further objects to the subpoena to the extent it seeks to impose  
5 on Verizon obligations different from, or greater than, those required by the Federal  
6 Rules of Civil Procedure or applicable Local Rules.

7 Dated:   September 19, 2012

MORRISON & FOERSTER LLP

8  
9 By: \_\_\_\_\_

Giancarlo Urey

Attorneys for  
VERIZON ONLINE LLC

**CERTIFICATE OF SERVICE BY MAIL**  
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 555 West Fifth Street, Los Angeles, California 90013-1024; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**OBJECTIONS TO MALIBU MEDIA, LLC'S  
SUBPOENA TO VERIZON ONLINE LLC**

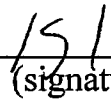
on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 555 West Fifth Street, Los Angeles, California 90013-1024, in accordance with Morrison & Foerster's ordinary business practices:

Patrick J. Cerillo, Esq.  
Patrick J. Cerillo, LLC  
4 Walter Foran Boulevard  
Suite 402  
Flemington, NJ 08822

I declare under penalty of perjury that the above is true and correct.

Executed at Los Angeles, California, this 19th day of September, 2012.

Rosa L. Beltran  
(typed)

  
(signature)

**Malibu Media, LLC. v. John Doe 1-46**

**District of New Jersey**

**Case No. 32:12-cv-03905-SRC-CLW**



1 DEANNE E. MAYNARD  
2 MORRISON & FOERSTER LLP  
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Washington, D.C. 20006-1888  
3 Telephone: (202) 887-1500  
Facsimile: (202) 887-0763  
4 DMaynard@mofo.com

5 BENJAMIN J. FOX (CA SBN 193374)  
6 GIANCARLO UREY (CA SBN 267069)  
MORRISON & FOERSTER LLP  
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7 Los Angeles, California 90013-1024  
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8 Facsimile: 213.892.5454  
BFox@mofo.com; GUrey@mofo.com

9 Attorneys for  
10 VERIZON ONLINE LLC

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF TEXAS  
13

14 MALIBU MEDIA, LLC,

15 Plaintiff,

16 v.

17 JOHN DOES 1 - 46,

18 Defendants.  
19

No. 2:12-cv-03905-SRC-CLW

[Action Pending in the District of  
New Jersey]

**OBJECTIONS TO MALIBU  
MEDIA, LLC'S SUBPOENA TO  
VERIZON ONLINE LLC**

20  
21 TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

22 Verizon Online LLC ("Verizon") responds and objects as follows to the  
23 subpoena for records from Malibu Media, LLC in the above-captioned action:

24 1. Verizon objects to the subpoena on the ground that it constitutes an  
25 abuse of the discovery process because John Does 1 - 46 have not been properly  
26 joined in the underlying action.<sup>1</sup>

27 <sup>1</sup> See, e.g., *Bubble Gum Productions, LLC v. Does 1 - 80*, 2012 U.S. Dist.  
28 LEXIS 100203, at \*14 (S.D. Fla. July 19, 2012) (holding that joinder is improper,  
(Footnote continues on next page.)

2. Verizon further objects to the subpoena because the list of IP addresses and associated dates in Exhibit A to the Complaint appear to refute any allegation that the subscribers identified were acting in concert, given the time period during which Plaintiff's digital content was allegedly accessed.

3. Verizon further objects to the subpoena on the ground that Plaintiff has made no attempt to establish a prima facie evidentiary showing that personal jurisdiction would exist over John Does 1 – 46.

4. Verizon further objects to the subpoena on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of relevant information and imposes an undue burden on Verizon.

5. Verizon further objects to the subpoena because Plaintiff has made an insufficient showing that discovery of the identifying information of John Does 1 - 46 would be used for a proper purpose in the current litigation.

---

(Footnote continued from previous page.)

*inter alia*, because “the possibility [of the Doe defendants asserting different defenses] rises about the level of mere speculation”); *K-Beech, Inc. v. Does 1-41*, 2012 U.S. Dist. LEXIS 31803 (S.D. Tex. Mar. 8, 2012 (granting motion to quash and severing Does 2-41 based on misjoinder); *Mick Haig Prods., e.K. v. Does*, 2011 U.S. Dist. LEXIS 128366 (N.D. Tex. Sept. 9, 2011), *aff'd* 2012 U.S. App. LEXIS 14263 (5th Cir. July 12, 2012); *Hard Drive Prods. v. Does*, 2011 U.S. Dist. LEXIS 132449, at \*9 (N.D. Cal. Nov. 16, 2011) (dismissing Does 2-130 and imposing ongoing obligations upon plaintiff and its counsel to demonstrate that the discovery sought of Doe 1 is used for a proper purpose); *First Time Videos LLC v. Doe*, 2011 U.S. Dist. LEXIS 104490, at \*4-10 (N.D. Cal. Sept. 15, 2011) (dismissing Does 2-294 and citing collected cases holding that discovery of mass alleged infringers is improper in this context); *Liberty Media Holdings, LLC v. BitTorrent Swarm*, 2011 U.S. Dist. LEXIS 126333, at \*3-9 (S.D. Fla. Nov. 1, 2011) (the court *sua sponte* found joinder of multiple Doe defendants improper under Fed. R. Civ. P. 20(a) and dismissed the claims against all but a single defendant); *Patrick Collins, Inc. v. Does 1-58*, 2011 U.S. Dist. LEXIS 120235 (E.D. Va. Oct. 13, 2011) (“The mere allegation that the defendants have used the same peer-to-peer network to copy and reproduce the Work— which occurred on different days and times over a span of two months—is insufficient to meet the standards of joinder set forth in Rule 20.”).

1           6.     Verizon further objects to the subpoena to the extent it seeks  
2 information that is protected from disclosure by third parties' rights of privacy and  
3 protections guaranteed by the First Amendment.

4           7.     Verizon further objects to the subpoena to the extent it seeks to impose  
5 on Verizon obligations different from, or greater than, those required by the Federal  
6 Rules of Civil Procedure or applicable Local Rules.

7 Dated:   August 31, 2012

MORRISON & FOERSTER LLP

8  
9 By: \_\_\_\_\_

Giancarlo Urey

Attorneys for  
VERIZON ONLINE LLC

**CERTIFICATE OF SERVICE BY MAIL**  
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 555 West Fifth Street, Los Angeles, California 90013-1024; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**OBJECTIONS TO MALIBU MEDIA, LLC'S  
SUBPOENA TO VERIZON ONLINE LLC**

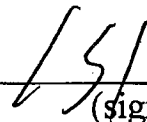
on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 555 West Fifth Street, Los Angeles, California 90013-1024, in accordance with Morrison & Foerster's ordinary business practices:

Patrick J. Cerillo, Esq.  
Patrick J. Cerillo, LLC  
4 Walter Foran Boulevard, Suite 402  
Flemington, NJ 08822

I declare under penalty of perjury that the above is true and correct.

Executed at Los Angeles, California, this 31st day of August, 2012.

Rosa L. Beltran  
(typed)

  
(signature)

**Malibu Media, LLC. v. John Doe 1-62**

**District of New Jersey**

**Case No. 3:12-cv-03900-AET-LHG**

1 DEANNE E. MAYNARD  
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6 GIANCARLO UREY (CA SBN 267069)  
7 MORRISON & FOERSTER LLP  
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10 Attorneys for  
11 VERIZON ONLINE LLC

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF TEXAS

14 MALIBU MEDIA, LLC,  
15 Plaintiff,  
16 v.

17 JOHN DOES 1 - 62,  
18 Defendants.

No. 3:12-cv-03900-AET-LHG  
[Action Pending in the Northern  
District of New Jersey]

**OBJECTIONS TO MALIBU  
MEDIA, LLC'S SUBPOENA TO  
VERIZON ONLINE LLC**

21 TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

22 Verizon Online LLC ("Verizon") responds and objects as follows to the  
23 subpoena for records from Malibu Media, LLC in the above-captioned action:

24 1. Verizon objects to the subpoena on the ground that it constitutes an  
25 abuse of the discovery process because John Does 1 – 62 are improperly joined in  
26 the underlying action.<sup>1</sup>

27 <sup>1</sup> See, e.g., *Bubble Gum Productions, LLC v. Does 1 - 80*, 2012 U.S. Dist.  
28 LEXIS 100203, at \*14 (S.D. Fla. July 19, 2012) (holding that joinder is improper,  
(Footnote continues on next page.)

1           2.     Verizon further objects to the subpoena because the list of IP addresses  
2 and associated dates in Exhibit A to the Complaint appear to refute any allegation  
3 that the subscribers identified were acting in concert, given the time period during  
4 which Plaintiff's digital content was allegedly accessed.

5           3.     Verizon further objects to the subpoena on the ground that Plaintiff has  
6 made no attempt to establish a prima facie evidentiary showing that personal  
7 jurisdiction would exist over John Does 1 – 62.

8           4.     Verizon further objects to the subpoena on the ground that it seeks  
9 information that is neither relevant nor reasonably calculated to lead to the  
10 discovery of relevant information and imposes an undue burden on Verizon.

11          5.     Verizon further objects to the subpoena because Plaintiff has made an  
12 insufficient showing that discovery of the identifying information of John Does 1 -  
13 62 would be used for a proper purpose in the current litigation.

14  
15  
16 (Footnote continued from previous page.)

17 *inter alia*, because “the possibility [of the Doe defendants asserting different  
18 defenses] rises about the level of mere speculation”); *K-Beech, Inc. v. Does 1-41*,  
19 2012 U.S. Dist. LEXIS 31803 (S.D. Tex. Mar. 8, 2012 (granting motion to quash  
20 and severing Does 2-41 based on misjoinder); *Mick Haig Prods., e.K. v. Does*, 2011  
21 U.S. Dist. LEXIS 128366 (N.D. Tex. Sept. 9, 2011), *aff’d* 2012 U.S. App. LEXIS  
22 14263 (5th Cir. July 12, 2012); *Hard Drive Prods. v. Does*, 2011 U.S. Dist. LEXIS  
23 132449, at \*9 (N.D. Cal. Nov. 16, 2011) (dismissing Does 2-130 and imposing  
24 ongoing obligations upon plaintiff and its counsel to demonstrate that the discovery  
25 sought of Doe 1 is used for a proper purpose); *First Time Videos LLC v. Doe*, 2011  
26 U.S. Dist. LEXIS 104490, at \*4-10 (N.D. Cal. Sept. 15, 2011) (dismissing Does 2-  
27 294 and citing collected cases holding that discovery of mass alleged infringers is  
28 improper in this context); *Liberty Media Holdings, LLC v. BitTorrent Swarm*, 2011  
U.S. Dist. LEXIS 126333, at \*3-9 (S.D. Fla. Nov. 1, 2011) (the court *sua sponte*  
found joinder of multiple Doe defendants improper under Fed. R. Civ. P. 20(a) and  
dismissed the claims against all but a single defendant); *Patrick Collins, Inc. v.*  
*Does 1-58*, 2011 U.S. Dist. LEXIS 120235 (E.D. Va. Oct. 13, 2011) (“The mere  
allegation that the defendants have used the same peer-to-peer network to copy and  
reproduce the Work— which occurred on different days and times over a span of  
two months—is insufficient to meet the standards of joinder set forth in Rule 20.”).

1           6.     Verizon further objects to the subpoena to the extent it seeks  
2 information that is protected from disclosure by third parties' rights of privacy and  
3 protections guaranteed by the First Amendment.

4           7.     Verizon further objects to the subpoena to the extent it seeks to impose  
5 on Verizon obligations different from, or greater than, those required by the Federal  
6 Rules of Civil Procedure or applicable Local Rules.

7 Dated:   September 19, 2012

MORRISON & FOERSTER LLP

8  
9 By: 

Giancarlo Urey

Attorneys for  
VERIZON ONLINE LLC



**CERTIFICATE OF SERVICE BY MAIL**  
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 555 West Fifth Street, Los Angeles, California 90013-1024; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**OBJECTIONS TO MALIBU MEDIA, LLC'S  
SUBPOENA TO VERIZON ONLINE LLC**

on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 555 West Fifth Street, Los Angeles, California 90013-1024, in accordance with Morrison & Foerster's ordinary business practices:

Patrick J. Cerillo, Esq.  
Patrick J. Cerillo, LLC  
4 Walter Foran Boulevard  
Suite 402  
Flemington, NJ 08822

I declare under penalty of perjury that the above is true and correct.

Executed at Los Angeles, California, this 19th day of September, 2012.

Rosa L. Beltran  
(typed)

151  
(signature)

**Malibu Media, LLC. v. John Doe 1-12**

**District of New Jersey**

**Case No. 33:12-cv-05102-JAP-TJB**

1 DEANNE E. MAYNARD  
2 MORRISON & FOERSTER LLP  
2000 Pennsylvania Avenue, NW  
Washington, D.C. 20006-1888  
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4 Facsimile: (202) 887-0763  
DMaynard@mofo.com

5 BENJAMIN J. FOX (CA SBN 193374)  
6 GIANCARLO UREY (CA SBN 267069)  
MORRISON & FOERSTER LLP  
555 West Fifth Street  
7 Los Angeles, California 90013-1024  
Telephone: 213.892.5200  
8 Facsimile: 213.892.5454  
BFox@mofo.com; GUrey@mofo.com

9 Attorneys for  
10 VERIZON ONLINE LLC

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF TEXAS  
13

14 MALIBU MEDIA, LLC,  
15 Plaintiff,

16 v.

17 JOHN DOES 1 - 12,  
18 Defendants.

No. 3:12-cv-05102-JAP-TJB

[Action Pending in the District of  
New Jersey]

**OBJECTIONS TO MALIBU  
MEDIA, LLC'S SUBPOENA TO  
VERIZON ONLINE LLC**

20  
21 TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

22 Verizon Online LLC ("Verizon") responds and objects as follows to the  
23 subpoena for records from Malibu Media, LLC in the above-captioned action:

24 1. Verizon objects to the subpoena on the ground that it constitutes an  
25 abuse of the discovery process because John Does 1 – 12 are improperly joined in  
26 the underlying action.<sup>1</sup>

27 <sup>1</sup> See, e.g., *Media Products, Inc. v. John Does 1-26*, 2012 U.S. Dist. LEXIS  
28 125366, at \*8 (S.D.N.Y. Sept. 4, 2012) (severing and dismissing all claims "against  
(Footnote continues on next page.)

2. Verizon further objects to the subpoena because the list of IP addresses and associated dates in Exhibit A to the Complaint appear to refute any allegation that the subscribers identified were acting in concert, given the time period during which Plaintiff's digital content was allegedly accessed.

3. Verizon further objects to the subpoena on the ground that Plaintiff has made no attempt to establish a prima facie evidentiary showing that personal jurisdiction would exist over John Does 1 – 12.

4. Verizon further objects to the subpoena on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of relevant information and imposes an undue burden on Verizon.

---

(Footnote continued from previous page.)

all Doe defendants other than John Doe 1 in each of the [three] cases” while noting that “[t]he defenses . . . vary greatly and turn on different factual and legal questions”); *Bubble Gum Productions, LLC v. Does 1 - 80*, 2012 U.S. Dist. LEXIS 100203, at \*14 (S.D. Fla. July 19, 2012) (holding that joinder is improper, *inter alia*, because “the possibility [of the Doe defendants asserting different defenses] rises about the level of mere speculation”); *K-Beech, Inc. v. Does 1-41*, 2012 U.S. Dist. LEXIS 31803 (S.D. Tex. Mar. 8, 2012 (granting motion to quash and severing Does 2-41 based on misjoinder); *Mick Haig Prods., e.K. v. Does*, 2011 U.S. Dist. LEXIS 128366 (N.D. Tex. Sept. 9, 2011), *aff’d* 2012 U.S. App. LEXIS 14263 (5th Cir. July 12, 2012); *Hard Drive Prods. v. Does*, 2011 U.S. Dist. LEXIS 132449, at \*9 (N.D. Cal. Nov. 16, 2011) (dismissing Does 2-130 and imposing ongoing obligations upon plaintiff and its counsel to demonstrate that the discovery sought of Doe 1 is used for a proper purpose); *First Time Videos LLC v. Doe*, 2011 U.S. Dist. LEXIS 104490, at \*4-10 (N.D. Cal. Sept. 15, 2011) (dismissing Does 2-294 and citing collected cases holding that discovery of mass alleged infringers is improper in this context); *Liberty Media Holdings, LLC v. BitTorrent Swarm*, 2011 U.S. Dist. LEXIS 126333, at \*3-9 (S.D. Fla. Nov. 1, 2011) (the court *sua sponte* found joinder of multiple Doe defendants improper under Fed. R. Civ. P. 20(a) and dismissed the claims against all but a single defendant); *Patrick Collins, Inc. v. Does 1-58*, 2011 U.S. Dist. LEXIS 120235 (E.D. Va. Oct. 13, 2011) (“The mere allegation that the defendants have used the same peer-to-peer network to copy and reproduce the Work—which occurred on different days and times over a span of two months—is insufficient to meet the standards of joinder set forth in Rule 20.”).

5. Verizon further objects to the subpoena because Plaintiff has made an insufficient showing that discovery of the identifying information of John Does 1 - 12 would be used for a proper purpose in the current litigation.<sup>2</sup>

6. Verizon further objects to the subpoena to the extent it seeks information that is protected from disclosure by third parties' rights of privacy and protections guaranteed by the First Amendment.

7. Verizon further objects to the subpoena to the extent it seeks to impose on Verizon obligations different from, or greater than, those required by the Federal Rules of Civil Procedure or applicable Local Rules.

Dated: October 5, 2012

MORRISON & FOERSTER LLP

By: 

Giancarlo Urey

Attorneys for  
VERIZON ONLINE LLC

<sup>2</sup> *Media Products, Inc.*, 2012 U.S. Dist. LEXIS 125366, at \*9 (noting that the Court is "troubled by the fact that some Doe defendants have already been voluntarily dismissed at this early stage in the litigation; it suggests as suspected that the pressure on Doe defendants to settle their case quickly and thereby avoid embarrassment and litigation costs—when they may not even have committed any infringement—is all too real").

**CERTIFICATE OF SERVICE BY MAIL**  
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 555 West Fifth Street, Los Angeles, California 90013-1024; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**OBJECTIONS TO MALIBU MEDIA, LLC'S  
SUBPOENA TO VERIZON ONLINE LLC**

on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 555 West Fifth Street, Los Angeles, California 90013-1024, in accordance with Morrison & Foerster's ordinary business practices:

Patrick J. Cerillo, Esq.  
Patrick J. Cerillo, LLC  
4 Walter Foran Boulevard, Suite 402  
Flemington, NJ 08822

I declare under penalty of perjury that the above is true and correct.

Executed at Los Angeles, California, this 5th day of October, 2012.

\_\_\_\_\_  
Rosa L. Beltran  
(typed)

\_\_\_\_\_  
151  
(signature)